

Melissa Kaye

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MELISSA KAYE,

Plaintiff,

v.

Case No.

NEW YORK CITY HEALTH AND HOSPITALS

1:18-cv-12137-

CORPORATION; ELIZABETH FORD;

JPC-JLC

PATRICIA YANG; ABHISHEK JAIN; AND

JONATHAN WANGEL (said names being

fictitious, the persons intended

being those who aided and abetted

the unlawful conduct of the named

Defendants),

Defendants.

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VIDEOCONFERENCE DEPOSITION OF MELISSA KAYE

DATE: Monday, November 15, 2021

TIME: 10:03 a.m.

LOCATION: Remote Proceeding

Albuquerque, New Mexico

REPORTED BY: Emmanuel Sabatino, Notary Public

JOB No.: 4897710

Melissa Kaye

Page 2

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF, MELISSA KAYE:

SPECIAL HAGAN, ESQUIRE (by videoconference)  
Law Offices of Special Hagan  
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Saint Albans, New York 11412  
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ON BEHALF OF DEFENDANTS, NEW YORK CITY HEALTH AND  
HOSPITALS CORPORATION; ELIZABETH FORD; PATRICIA YANG;  
ABHISHEK JAIN; AND JONATHAN WANGEL:

DONNA CANFIELD, ESQUIRE (by videoconference)  
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File #: 2019-032851  
Control #: 21-2743

Melissa Kaye

Page 3

## I N D E X

## EXAMINATION:

PAGE

By Ms. Canfield

6

## E X H I B I T S

NO.

DESCRIPTION

PAGE

Exhibit A

Email, 1/22/2018

108

Exhibit B

Amended Complaint

192

Exhibit C

BHS to CHS Line Change

219

Exhibit D

Letter, 6/4/2021

325

(\*Exhibits attached.)

## QUESTIONS INSTRUCTED NOT TO ANSWER

PAGE

LINE

69

9

156

9

336

23

## D O C U M E N T S R E Q U E S T E D

NO.

DESCRIPTION

PAGE

1

Paystubs for 2021

136

2

Gracie Square Income, 2015-2021

137

3

AABR Income, 2015-2021

141

Melissa Kaye

Page 4

P R O C E E D I N G S

THE REPORTER: Good morning. My name is Emmanuel Sabatino; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 10:03 a.m.

This is the deposition of Dr. Melissa Kaye taken in the matter of Melissa Kaye, Plaintiff against New York City Health and Hospitals Corporation; Elizabeth Ford; Patricia Yang; Abhishek Jain; and Jonathan Wangle (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the name Defendants), Defendants, on November 15, 2021, via Zoom.

I am a Notary authorized to take acknowledgements and administer oaths in New York. Parties agree that I will swear-in the witness remotely outside of her presence.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording virtually of this proceeding:

- is intended for all uses permitted under applicable procedural and

Melissa Kaye

Page 5

1                   evidentiary rules and laws in the same  
2                   manner as a deposition recorded by  
3                   stenographic means; and  
4                   - shall constitute written stipulation  
5                   of such.

6                   At this time will everyone in  
7                   attendance please identify yourself for the record.

8                   MS. CANFIELD: Donna Canfield, counsel  
9                   for the defendants. I consent to the foregoing  
10                  stipulations.

11                  MS. HAGAN: Special Hagan, counsel for  
12                  Plaintiff. I also consent to the foregoing  
13                  stipulation. Counsel for Dr. Kaye.

14                  MS. KAYE: Yes. Melissa Kaye,  
15                  Plaintiff, and I stipulate to the conditions.

16                  THE REPORTER: Thank you.

17                  Hearing no objection, I will now swear-  
18                  in the witness.

19                  WHEREUPON,

20                                 MELISSA KAYE,  
21                  called as a witness, and having been first duly sworn  
22                  to tell the truth, the whole truth and nothing but the  
23                  truth, was examined and testified as follows:

24                  //

25                  //

Melissa Kaye

Page 6

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EXAMINATION

BY MS. CANFIELD:

Q Good morning, Dr. Kaye. How are you?

A Good.

Q Can I ask where you're located this morning?  
Are you in New York or are you in another state?

A I'm in another --

MS. HAGAN: Objection.

BY MS. CANFIELD:

Q You can answer.

A I'm in another state.

Q And what state are you located in now?

A New Mexico.

Q Okay. And what city in New Mexico?

A Albuquerque.

Q Thank you. Never been there. I hear it's  
beautiful.

I wanted to know before we get started this  
morning, do you have a cell phone or another  
electronic device in front of you? I just want to  
make sure that while we're in the deposition today,  
that I have your undivided attention and that you're  
not going to be tempted to receive, like, any text  
messages.

I do understand that you have two children

Melissa Kaye

Page 7

1 and if, you know -- if there was an emergency, that  
2 you would have something for them to contact you, but  
3 if you could put that aside just for purposes of the  
4 deposition.

5 Now, do you have a cell phone in front of  
6 you?

7 A I have my cell phone in my house.

8 Q Okay. It's not in front of you then?

9 MS. HAGAN: Objection.

10 MS. CANFIELD: Do you have -- I'm  
11 sorry.

12 MS. HAGAN: She's going to have to have  
13 her cell phone because her children are --

14 MS. CANFIELD: I understand that. And  
15 I agree. I agree. I just -- if it's just not right  
16 in front of her, that'd be great.

17 MS. HAGAN: We haven't made those kind  
18 of stipulations with your witness. I suggest, you  
19 know, you afford my client the same courtesy.

20 MS. CANFIELD: I only do so because  
21 during the other depositions, Dr. Kaye has, like -- I  
22 can see her communicating and typing on the computer.

23 I just want to make sure that while  
24 she's answering questions, that she's not  
25 communicating with anyone else.

Melissa Kaye

Page 8

1 MS. HAGAN: If she can answer your  
2 questions and if she knows she has a problem where she  
3 needs to ask you to re-ask the question, she will do  
4 so.

5 MS. CANFIELD: Okay. All right.

6 BY MS. CANFIELD:

7 Q Do you have any other devices other than  
8 your cell phone with you, Dr. Kaye?

9 MS. HAGAN: She would have to use her  
10 laptop in order to engage you. That's what we're all  
11 doing.

12 MS. CANFIELD: Okay.

13 BY MS. CANFIELD:

14 Q Other than your laptop?

15 MS. HAGAN: Objection.

16 BY MS. CANFIELD:

17 Q Dr. Kaye, you have to respond to my  
18 question.

19 A Yes. Yes, I have my laptop.

20 Q Okay. Anything else other than your laptop  
21 and your cell phone?

22 A I have a printer in the house.

23 Q Okay. All right. All right. Thank you.

24 All right. As you know, my name is Donna Canfield.

25 I'm an assistant corporation counsel with the New York



1 City Law Department. I represent the defendants, New  
2 York City Health and Hospitals Corporation, Elizabeth  
3 Ford, Patricia Yang, Abhishek Jain, Jonathan Wangel in  
4 the case called Kaye vs. Health and Hospitals  
5 Corporation, et al. And that's pending in the  
6 Southern District of New York.

7 I'm going to ask you a couple questions  
8 today and I ask that you answer them truthfully, okay?

9 A Yes.

10 Q Okay. You understand that you're under oath  
11 now, correct?

12 A Yes.

13 Q Okay. The court reporter, Mr. Sabatino,  
14 will take down what you say and what I say, and what  
15 Ms. Hagan says. If the court reporter asks you to  
16 speak up or to slow down, will you please do that?

17 A Yes.

18 Q Okay. Please tell me if you cannot hear my  
19 questions or if there's a break in the internet  
20 connection. Will you do that, please?

21 A Yes.

22 Q Okay. And please tell me if you don't  
23 understand my question, okay?

24 A Yes.

25 Q Okay. If I ask you a question and you

1 answer it, I will understand that you heard and  
2 understood my question, okay?

3 A Yes.

4 Q Okay. And if you give me an answer -- oh,  
5 and it's important that you don't start answering your  
6 question until I have finished my question, okay?

7 A Yes.

8 Q If you give me an answer at one time today  
9 and later on you want to add to it or change  
10 something, please let me know, okay?

11 A Yes.

12 Q Please let me know if you want to take a  
13 break to use the restroom or get something to drink.  
14 That is fine. These days can be long and you're going  
15 to be talking, so I would understand if you would need  
16 a short break. The only thing I ask is that you  
17 finish answering my question before we take the break.  
18 Is that fair?

19 A Yes.

20 Q Okay. Now it's difficult for the court  
21 reporter to take down an uh-huh or a nod of the head  
22 or -- because it's not verbal. Because -- and we  
23 can't read it either on the transcript. So please use  
24 yes or no instead of uh-huh or mm-hmm, okay?

25 A Yes.

Melissa Kaye

Page 11

1           Q     And then finally, when a question is  
2     pending, you cannot speak to your lawyer except to  
3     determine if a privilege applies. Do you understand  
4     that?

5           A     Yes.

6           Q     Okay. Now do you have any medical condition  
7     or illness that affects your ability to hear me now?

8                     MS. HAGAN: Objection.

9     BY MS. CANFIELD:

10          Q     You can answer.

11          A     No.

12          Q     But --

13                     THE WITNESS: I would like to take a  
14     moment to turn the heat on. It's very cold in here  
15     and I need to -- I need to do that, if I may.

16                     MS. CANFIELD: Yes, you may.

17                     THE WITNESS: Thank you.

18                     MS. CANFIELD: Now I seem to be able to  
19     hear the heater.

20                     Mr. Sabatino, is that going to be  
21     interfering with your ability to hear the witness?

22                     THE REPORTER: If I can't hear  
23     something, I will speak up, but I did just hear that  
24     come on, yes.

25                     MS. CANFIELD: Okay. Okay.

Melissa Kaye

Page 12

1 THE WITNESS: Yes. That is why I had  
2 turned off the heat, but it's freezing in here.

3 MS. CANFIELD: Okay. Well, as Mr.  
4 Sabatino said, if there's something that he doesn't  
5 hear, he will just ask you to repeat it, and same with  
6 me. Okay.

7 BY MS. CANFIELD:

8 Q Do you have any condition that affects your  
9 ability to answer my questions?

10 MS. HAGAN: Objection.

11 THE WITNESS: No.

12 BY MS. CANFIELD:

13 Q Have you taken any medication or substances  
14 that would impair your ability to hear me?

15 A No.

16 Q Have you taken any medication or substances  
17 that would impair your ability to understand me?

18 A No.

19 Q What about to answer my questions?

20 A No.

21 Q Okay. Are you currently under a doctor's  
22 care?

23 MS. HAGAN: Objection.

24 BY MS. CANFIELD:

25 Q You can answer.

Melissa Kaye

Page 13

1           A       Yes.

2                   MS. HAGAN: To the extent that you  
3 understand.

4 BY MS. CANFIELD:

5           Q       And what doctor are you seeing?

6                   THE REPORTER: I'm sorry.

7                   Ms. Hagan, what did you just say?

8                   MS. HAGAN: I said to the -- answer to  
9 the extent that you understand her question.

10                  THE REPORTER: Okay.

11                  I'm sorry. Could you give that  
12 question again also, Ms. Canfield?

13                  MS. CANFIELD: I said, "Are you  
14 currently under a doctor's care?"

15                  THE WITNESS: Yes.

16                  MS. CANFIELD: Okay.

17 BY MS. CANFIELD:

18           Q       And what doctor?

19                   MS. HAGAN: Objection to form.

20 BY MS. CANFIELD:

21           Q       What is the name of the doctor that you're  
22 seeing?

23           A       Dr. Al Rashida.

24           Q       Can you spell that please, for the record?

25           A       It's A-L R -- R-A-I-S-H-I-D or A-D, I

Melissa Kaye

Page 14

1 believe.

2 Q Mr. Al Raishid [sic]?

3 A She -- she's a woman.

4 Q Okay. Dr. Al Rashida. And what do you see  
5 Dr. Al Rashida for?

6 A Elevated cholesterol.

7 Q And when did you first start seeing this  
8 doctor?

9 A Last April. April 2020.

10 Q And is Dr. Al Rashida located in New Mexico?

11 A Yes.

12 Q Are you currently under any other doctors'  
13 care?

14 A Yes.

15 MS. HAGAN: Objection.

16 BY MS. CANFIELD:

17 Q I'm sorry. I didn't hear your response?

18 A Yes.

19 Q Okay. What is the name of the other doctor  
20 that you're seeing?

21 A Dr. Gregory De Felice.

22 Q Can you spell Dr. De Felice's last name for  
23 the record, please?

24 A D-I-F-I-L-I-C-E [sic] possibly.

25 Q Okay. And for what reason do you see Dr. De

Melissa Kaye

Page 15

1 Felice?

2 MS. HAGAN: Objection as to form.

3 THE WITNESS: For surgical follow-up.

4 BY MS. CANFIELD:

5 Q And what type of surgery did you have?

6 MS. HAGAN: Objection, form.

7 THE WITNESS: I had a shoulder surgery.

8 BY MS. CANFIELD:

9 Q For what reason?

10 MS. HAGAN: Objection.

11 THE WITNESS: I had calcified crystals  
12 in the joint and a rotator cuff tear.

13 BY MS. CANFIELD:

14 Q Okay. And how long ago did you have the  
15 surgery?

16 MS. HAGAN: Objection.

17 THE WITNESS: July.

18 BY MS. CANFIELD:

19 Q July?

20 A July of this year.

21 Q And did you have any physical therapy  
22 associated with your surgery?

23 MS. HAGAN: Objection.

24 THE WITNESS: Yes.

25 //

Melissa Kaye

Page 16

1 BY MS. CANFIELD:

2 Q Okay. And are you still attending physical  
3 therapy for your surgery?

4 A Yes.

5 Q Okay. Any other doctors that you're  
6 currently seeing?

7 MS. HAGAN: Objection as to form.

8 BY MS. CANFIELD:

9 Q You can answer.

10 A No.

11 Q What other doctors, if any, have you seen in  
12 the past five years?

13 MS. HAGAN: Objection, form. Could you  
14 be more specific?

15 BY MS. CANFIELD:

16 Q I'm asking, what other doctors have you  
17 seen, if any, in the last five years --

18 MS. HAGAN: Answer --

19 BY MS. CANFIELD:

20 Q -- for specific medical care?

21 MS. HAGAN: Answer if you're able.

22 THE WITNESS: I've seen Dr. Peter Kim.

23 BY MS. CANFIELD:

24 Q And for what reason did you see Dr. Peter  
25 Kim?



Melissa Kaye

Page 17

1 MS. HAGAN: Objection.

2 THE WITNESS: For GI problems.

3 BY MS. CANFIELD:

4 Q And when did you first start seeing Dr. Kim?

5 A He was my internist in the early to mid-  
6 2000s. And then he gave up his primary care practice  
7 and became a gastroenterologist, and I continued  
8 seeing him for my GI problems.

9 Q Okay. When did you start seeing him for  
10 your GI problems?

11 A It's hard for me to pinpoint the date.

12 THE REPORTER: Please repeat the  
13 answer.

14 THE WITNESS: It's hard for me to  
15 pinpoint the date.

16 BY MS. CANFIELD:

17 Q Was it before or after 2015?

18 A Before.

19 Q Was it before or after 2012?

20 A I don't know.

21 Q So is it fair to say you started seeing him  
22 sometime between 2012 and 2015?

23 A I started seeing him as a primary care  
24 doctor probably before that.

25 Q Okay.

Melissa Kaye

Page 18

1           A       He changed his practice to specializing in  
2       GI medicine only.

3           Q       Okay.

4           A       And at that point, I only saw him for GI  
5       issues.

6           Q       Okay. And that's what I'm interested in  
7       knowing.

8                   When did you first start seeing him for GI  
9       issues?

10                   MS. HAGAN: Objection. Asked and  
11       answered. She said she didn't know. Next question,  
12       please.

13                   MS. CANFIELD: No, you can answer.

14                   MS. HAGAN: Asked and answered.

15                   THE WITNESS: I'm trying to give you a  
16       --

17                   MS. HAGAN: She said she didn't know.  
18       She can't answer the question. She said she doesn't  
19       know.

20                   MS. CANFIELD: Excuse me.

21                   Dr. Kaye, please.

22                   MS. HAGAN: Again, she said she doesn't  
23       know. I'm going to instruct my client not to continue  
24       unless she's going to give the same answer -- she  
25       doesn't know. You're asking her to give you an answer

Melissa Kaye

Page 19

1       that she doesn't know the answer to.

2                       MS. CANFIELD: That's not clear on the  
3       record yet.

4       BY MS. CANFIELD:

5               Q     Dr. Kaye, when did you first start seeing  
6       Dr. Kim for your GI problems?

7               A     I -- I can't pinpoint the time that his  
8       practice changed from primary care to GI, so I -- it's  
9       hard for me to -- to say when he became a GI  
10      practitioner.

11              Q     Okay.

12              A     And --

13              Q     Go ahead. I'm sorry.

14              A     No, that's okay. I had seen him as my  
15      primary care physician and then I received  
16      notification that he was closing his primary care  
17      practice and specializing in GI medicine and -- and  
18      taking -- taking his patients -- accepting patients  
19      that he was following as a primary care doctor as --  
20      into his GI practice. If --

21              Q     Okay.

22              A     -- if need be.

23              Q     Okay.

24              A     And that's what my situation was. So I  
25      don't recall exactly when that switchover happened,

Melissa Kaye

Page 20

1 but I believe it was sometime in the early 2000s.

2 Q Okay.

3 A Maybe around, you know, some --

4 MS. HAGAN: Dr. Kaye, don't guess. If  
5 you don't remember, you don't know.

6 THE WITNESS: It just -- I don't  
7 remember when that transition in his practice  
8 occurred, but I do think it was sometime in the early  
9 2000s.

10 BY MS. CANFIELD:

11 Q Okay. Let me ask it another way. When did  
12 you begin to have issues with your GI requiring you to  
13 see a specialist?

14 MS. HAGAN: Objection.

15 You can answer.

16 THE WITNESS: I -- I was diagnosed with  
17 irritable bowel syndrome and when I was under stress,  
18 I would have flares. And --

19 BY MS. CANFIELD:

20 Q And when were you first diagnosed with  
21 irritable bowel syndrome?

22 A I know I -- I know I had it in medical  
23 school. I don't know if I was diagnosed prior to  
24 that.

25 Q Okay. So it's something that you've had for

Melissa Kaye

Page 21

1 quite some time; is that fair to say?

2 A Well, yeah. It's a chronic illness that  
3 flares with stress.

4 Q Okay. And are you still seeing someone for  
5 your irritable bowel syndrome?

6 A Well, I would consider Dr. Kim my GI doctor.

7 Q Okay. So do you not still see him or do you  
8 see someone locally?

9 A No, I consider Dr. Kim my GI doctor.

10 Q Okay. All right. Fair enough. All right.  
11 Any other doctor that you saw for a medical condition  
12 within the last five years, other than the three  
13 doctors that you've testified to so far?

14 MS. HAGAN: Objection as to form.  
15 Compound question.

16 THE WITNESS: I've seen a cardiologist.  
17 BY MS. CANFIELD:

18 Q What is the name of the cardiologist you've  
19 seen?

20 A Dr. Margaret Sullivan.

21 Q And when did you first see Dr. Sullivan?

22 A I have trouble pinning down the date.

23 Q Let me ask you this then. Maybe this will  
24 help you.

25 For what issue related to your heart led you

1 to see a cardiologist?

2 MS. HAGAN: Objection as to form.

3 BY MS. CANFIELD:

4 Q You can answer.

5 A I have -- I -- I have a genetic condition.

6 Q Okay. And when did you learn of this  
7 genetic condition?

8 A In the early 1990s.

9 Q Have you been seeing Dr. Sullivan since the  
10 early 1990s?

11 A No.

12 Q Do you recall the last time you saw Dr.  
13 Sullivan?

14 MS. HAGAN: Objection.

15 You can answer.

16 THE WITNESS: I don't recall the exact  
17 date, but I know it was before the pandemic.

18 BY MS. CANFIELD:

19 Q What about Dr. Kim? When was the last time  
20 you saw Dr. Kim?

21 A I had a colonoscopy right before the  
22 pandemic. I believe it was in January 2020.

23 Q Any other doctors, other than the four  
24 doctors that you've testified to so far, that you have  
25 seen for any type of treatment within the past five

Melissa Kaye

Page 23

1 years?

2 A I saw a social worker.

3 Q What's the name of the social worker?

4 A Her name was Alessio -- last name's Alessio.

5 Q Can you spell that, please, for the record?

6 A I don't want to spell it incorrectly. I  
7 think it is something like A-L-I-E-S-S-O [sic].

8 Q Okay. And is the social worker a male or a  
9 female?

10 A Female.

11 Q Okay. And what's the social worker's first  
12 name?

13 A I think it's Paulina [sic] or -- I believe  
14 it's Paola or Paulina.

15 Q Okay. Do you know how to spell her first  
16 name?

17 A I'm sorry.

18 Q Okay. That's fine.

19 A She's Italian and I am not all that familiar  
20 with --

21 Q Okay.

22 MS. HAGAN: You have the HIPAA release  
23 for this doctor, Dr. Canfield.

24 MS. CANFIELD: Okay.

25 //

Melissa Kaye

Page 24

1 BY MS. CANFIELD:

2 Q And when did you start first seeing Ms.  
3 Alessio?

4 A I think I had -- I had reached out to her in  
5 November or December -- early December of '18 I  
6 believe. I don't know when we were able to find the  
7 schedule --

8 THE REPORTER: I'm sorry. Repeat what  
9 you just said.

10 THE WITNESS: I -- I reached out to her  
11 in November, early December of 2018, but I don't  
12 recall when we were able to schedule our first  
13 appointment.

14 BY MS. CANFIELD:

15 Q Okay. How long did you see Ms. Alessio?  
16 Let me ask another way.

17 Are you still seeing Ms. Alessio?

18 A No.

19 Q Okay. When did you last see Ms. Alessio?

20 A I don't recall.

21 Q Okay. Was it before or after the pandemic?

22 A Before.

23 May I clarify something about her --

24 Q Yes.

25 A -- please? She's a psychologist by training



Melissa Kaye

Page 25

1 in Italy, but she's not a licensed psychologist in the  
2 United States. So --

3 Q Okay.

4 A -- she's a social worker by licensure in the  
5 United States, but she is a psychologist. And so she  
6 uses the title "doctor" for that reason.

7 Q She does? Okay.

8 And for what reason did you reach out to  
9 start seeing I guess Dr. Alessio?

10 A I was stressed out about my work situation.

11 Q Can you be more specific?

12 A Well, I was being treated very poorly at  
13 work and it was causing me a lot of strain and it was  
14 affecting me and -- and my kids and I was really upset  
15 about it. It was causing me physical and emotional  
16 distress.

17 And Dr. Alessio is a therapist who does  
18 what's called "body work," so I thought -- and she was  
19 recommended, and I thought she could help me cope with  
20 my stress.

21 Q Okay. Now, Dr. --

22 THE REPORTER: Okay. Just a sec.

23 Dr. Kaye, I'm going to ask you to  
24 please keep your voice up because I was having trouble  
25 hearing you there. So please keep your voice up a

Melissa Kaye

Page 26

1 little louder, okay?

2 THE WITNESS: Yes. Yes, I will. Can  
3 you please tell me what you need me to repeat?

4 THE REPORTER: Nothing there. Just in  
5 general in the future.

6 THE WITNESS: Yes, I will. Thank you.

7 MS. CANFIELD: Yes. Thank you. You  
8 are very softspoken and it is difficult to hear.

9 THE WITNESS: Yes. I -- I'm sorry I  
10 had to turn on the heat. Hopefully it'll warm up in a  
11 little bit and I can turn it off.

12 MS. CANFIELD: Yeah. The heat doesn't  
13 seem to be the problem. I don't hear that humming in  
14 the background anymore, but just keep your voice up.

15 THE WITNESS: I will. Thank you.

16 BY MS. CANFIELD:

17 Q So a couple follow-up questions. You said  
18 that you were being treated very poorly at work. By  
19 whom were you being treated poorly?

20 A Management, staff.

21 Q Can you identify any particular individuals?

22 A Elizabeth Ford, Andrea Swenson, Jonathan  
23 Wangel, Ross Macdonald, Patricia Yang, Abhishek Jain,  
24 some support staff. It became more extensive over  
25 time.

Melissa Kaye

Page 27

1 Q Okay.

2 A And more individuals were participating in  
3 activities that were hurtful and -- to me -- and  
4 stressful.

5 Q Okay. And when did this -- when did you  
6 first start feeling stressed out by your work  
7 situation?

8 MS. HAGAN: Objection as to form.

9 You can answer if you understand.

10 THE WITNESS: I think that it started  
11 in late -- I mean, it -- it -- it was a crescendo that  
12 started when CHS decided to get involved with the  
13 city-wide court clinics.

14 THE REPORTER: What kind of clinics?

15 THE WITNESS: They're city-wide court  
16 clinics.

17 THE REPORTER: Thank you.

18 THE WITNESS: You're welcome.

19 BY MS. CANFIELD:

20 Q All right. Well, I'll definitely have some  
21 follow-up questions with that, but I want to close the  
22 loop on medical professionals.

23 Any other doctors that you've seen for any  
24 type of medical care other than the five I guess  
25 you've named so far in your testimony that you have

Melissa Kaye

Page 28

1       seen in the last five years?

2           A       So you're -- you're asking me that I've seen  
3       since 2016?

4           Q       Correct. 2015, 2016, yes.

5           A       Does that include nurse practitioners?

6           Q       Sure.

7           A       I saw a nurse practitioner for a routine GYN  
8       exam. And that was also around the time I saw Dr. Al  
9       Rashida. I would say April 2020. I do not remember  
10      her name.

11          Q       Okay.

12          A       And does that include physical therapists?

13          Q       You had talked about receiving physical  
14      therapy. Is that different than your physical therapy  
15      for your shoulder surgery?

16          A       No. It's been ongoing since the surgery.

17          Q       Okay. Okay. Now you've mentioned the  
18      physical therapy. Okay.

19          A       Yeah. And I saw two doctors -- I don't  
20      recall their names -- in July of 2021. An  
21      anesthesiologist and an internist. I saw them at HSS.

22          Q       Is this related to your shoulder surgery?

23          A       Yeah.

24          Q       Okay.

25          A       It was the pre-op --

Melissa Kaye

Page 29

1 Q Right.

2 A -- clinical clearance screening.

3 Q Okay. Okay. I'm going to go back to the  
4 social worker that you saw. Are you currently under  
5 any type of treatment from a mental health  
6 professional, whether it be a social worker,  
7 psychologist or psychiatrist?

8 A No.

9 MS. HAGAN: Objection.

10 BY MS. CANFIELD:

11 Q Okay. Are you currently taking any  
12 medication for your elevated cholesterol?

13 A Yes, sir.

14 MS. HAGAN: Objection.

15 BY MS. CANFIELD:

16 Q And what is that?

17 A Lipitor.

18 Q Okay. Anything else?

19 A Well, it's not really medication, but I -- I  
20 take Q -- Coenzyme Q which is something that you're  
21 supposed to take with Lipitor to combat the side  
22 effects.

23 THE REPORTER: Could you say that word  
24 again?

25 THE WITNESS: Q -- Coenzyme Q. It's a

Melissa Kaye

Page 30

1 -- it's a supplement that helps prevent side effects  
2 from Lipitor.

3 BY MS. CANFIELD:

4 Q And how long have you been taking Lipitor?

5 A I believe Dr. Sullivan started me on that  
6 because of my genetic condition.

7 Q I'm sorry. Repeat that?

8 A Dr. Sullivan started me on the Lipitor  
9 because of my genetic condition.

10 Q The question was when did you start it --  
11 taking it?

12 A I don't know. I don't know.

13 Q Before or after the pandemic?

14 A Before.

15 Q Were you still employed at CHS when you  
16 started taking it?

17 A I was -- it was probably pre-CHS. It  
18 probably was when I was employed for -- at Bellevue.

19 Q And what are the side effects of Lipitor for  
20 you?

21 MS. HAGAN: Objection.

22 THE WITNESS: I don't have any -- I  
23 don't have any side effects, but it can deplete  
24 enzymes in your system. So it's just recommended for  
25 safety purposes to replace those.

Melissa Kaye

Page 31

1 BY MS. CANFIELD:

2 Q Okay. Is that why you take the Q Coenzyme?

3 A Yeah.

4 Q Okay. So you've had no side effects from  
5 the Lipitor; is that correct?

6 A No.

7 Q Okay.

8 A That's correct, yes.

9 Q Okay. And for the GI issues that you were  
10 seeing Dr. Kim for, were you taking any medications or  
11 are you currently taking any medications for the GI  
12 issues you experience?

13 A No.

14 Q Okay. Have you taken medication in the  
15 past?

16 MS. HAGAN: Objection. Form.

17 Answer if you can.

18 Could you be more specific?

19 MS. CANFIELD: Yes, I can.

20 BY MS. CANFIELD:

21 Q Within the past five years, or from 2015 to  
22 the present, have you taken medication for your GI  
23 issues?

24 A Yes.

25 Q And what have you taken?

Melissa Kaye

Page 32

1           A     They're called proton-pump inhibitors. I  
2     don't remember which ones I was prescribed. Dexilant  
3     I think was the one I was taking. Called Dexilant.

4           Q     Can you spell that, please?

5                     You didn't know you were going to be  
6     participating in a spelling bee today, did you?

7           A     Yeah. I think it's D-E-X-A-L-A-N-T [sic].

8           Q     Okay.

9           A     -- know.

10          Q     Okay.

11          A     It's a proton-pump inhibitor.

12                    THE REPORTER: I'm sorry. Could you  
13     repeat what you said after you spelled it?

14                    THE WITNESS: I'm not certain if that's  
15     the spelling of it, but I do know it's a -- it's --  
16     it's for one of my GI problems.

17     BY MS. CANFIELD:

18          Q     Okay. But you no longer take it?

19          A     I'm not taking it now, no.

20          Q     Okay. And how long were you taking it when  
21     you were taking Dexilant?

22          A     I would take it on and off over the years.

23          Q     And are there any side effects that you  
24     experienced from taking the Dexilant?

25          A     No.



1           Q     What about for the cardiologist that you  
2     were seeing? Were you taking any medication to  
3     address the genetic condition that you have?

4           A     Yes.

5           Q     And what were you taking?

6           A     Lipitor.

7           Q     Lipitor. Okay. And who prescribed the  
8     Lipitor for your genetic condition related to your  
9     heart? Dr. Sullivan or Dr. Rashida?

10          A     Al Rashida? I -- I -- it's not just Lipitor  
11     that I've taken. I've taken other statins. I don't  
12     remember the names, but they've both prescribed  
13     statins for me.

14          Q     Okay.

15          A     I was seeing Dr. Sullivan for the  
16     cholesterol and for cardiac irregularities --  
17     palpitations.

18          Q     And when you were seeing Dr. Alessio, I  
19     understand that she's a psychologist by trade, but did  
20     she recommend that you take any medication?

21          A     No.

22                   MS. HAGAN: Objection.

23     BY MS. CANFIELD:

24          Q     Did she recommend that you see a  
25     psychiatrist about medication?

Melissa Kaye

Page 34

1 MS. HAGAN: Objection.

2 THE WITNESS: She did not. She -- she

3 -- she did not recommend that.

4 BY MS. CANFIELD:

5 Q Okay. Did you believe that you could  
6 benefit from a medication?

7 MS. HAGAN: Objection. She's not  
8 treating herself.

9 MS. CANFIELD: It's just a question.

10 BY MS. CANFIELD:

11 Q You can answer.

12 A I believe medications can be helpful, yes.

13 Q Okay. Did you take any medications that  
14 were helpful? I know that you are a psychiatrist.

15 A No.

16 Q Other than what you testified to this  
17 morning, any other doctors or health professionals  
18 have you seen for a health condition from 2015 to the  
19 present?

20 A Hello?

21 Q Yes.

22 A I -- I don't know the exact cutoff of -- of  
23 2015 as to if I -- I may have seen a Dr. Rho, R-H-O.

24 Q For what purpose?

25 A He's a physical medicine and rehab doctor.

Melissa Kaye

Page 35

1 It -- it would have been for my shoulder.

2 Q Okay. And how did you injure your shoulder?

3 A It's unclear when -- it's unclear when the  
4 -- well, I can explain what was told to me.

5 Q Okay.

6 A I have risk factors for calcified crystals.  
7 It's called -- I think it's called calcified  
8 tendonitis. There's a -- there's an acronym for it.  
9 I don't remember what it is, but it's when calcium  
10 crystals develop in the joint. And I -- I had the  
11 risk factors. And the risk factors are being female,  
12 being over 40 and having previous trauma to the  
13 shoulder. So I have all of those risk factors.

14 Q Okay. All right. And you had prior trauma  
15 to the shoulder?

16 A Yes.

17 Q Okay. And how long ago did that occur?

18 A Well, that's the -- that's the unclear part  
19 because there'd been multiple traumas to the shoulder  
20 over many, many years.

21 MS. HAGAN: Can I stop you for a  
22 second?

23 Ms. Canfield, I don't have any of your  
24 exhibits for Dr. Kaye.

25 MS. CANFIELD: I'm going to email them

1 to you as I use them.

2 MS. HAGAN: I was supposed to be  
3 getting them in advance of the deposition, not as you  
4 use them, as per the Court's order. So if you can  
5 send me the -- if you can send me all of the exhibits  
6 that you may use today before we proceed, I'd like  
7 that.

8 MS. CANFIELD: I'm going to share them  
9 with you contemporaneous as we would if we were in a  
10 conference room together.

11 MS. HAGAN: I don't know how that would  
12 work, Ms. Canfield.

13 MS. CANFIELD: I'm going to email them  
14 to you and I will email them to you prior to showing  
15 the exhibit. That's what I'm going to do.

16 MS. HAGAN: That's not as per the  
17 Court's order.

18 MS. CANFIELD: Okay.

19 MS. HAGAN: The Court -- you got the  
20 exhibits before the deposition with all of the  
21 depositions. I'm expecting that same courtesy, Ms.  
22 Canfield.

23 MS. CANFIELD: I will send them to you  
24 as I use them.

25 MS. HAGAN: We're going to have to call

Melissa Kaye

Page 37

1 the Court.

2 MS. CANFIELD: That's fine.

3 MS. HAGAN: Because I had to -- we're  
4 going to have to call the Court because I should have  
5 them.

6 MS. CANFIELD: That's fine. You can  
7 call the Court if you want.

8 Can we go off the record, please?

9 THE REPORTER: The time is 10:46 a.m.  
10 We're off the record.

11 (Off the record.)

12 THE REPORTER: The time is 10:52 a.m.  
13 We're back on the record.

14 MS. CANFIELD: Okay.

15 BY MS. CANFIELD:

16 Q Dr. Kaye, what did you do, if anything, to  
17 prepare for your deposition today?

18 MS. HAGAN: Objection.

19 THE WITNESS: I talked to my attorney.

20 BY MS. CANFIELD:

21 Q Did you review any documents?

22 MS. HAGAN: Objection as to form.

23 You can answer.

24 THE WITNESS: I -- I'm sorry. I didn't  
25 hear the question.

1 BY MS. CANFIELD:

2 Q I said did you review any documents to  
3 prepare for this deposition?

4 A I looked at some of the discovery emails.

5 Q When you say "discovery emails," what do you  
6 mean by that?

7 MS. HAGAN: Objection.

8 To the extent that you can understand  
9 the question.

10 THE WITNESS: I -- the emails that we  
11 obtained in discovery.

12 BY MS. CANFIELD:

13 Q Okay. The emails that I produced to your  
14 attorney as part of discovery? Is that what you're  
15 referring to?

16 A Yes.

17 Q Okay. And do you remember in particular  
18 what you reviewed?

19 MS. HAGAN: Objection as to form.

20 THE WITNESS: I don't. I just skimmed  
21 through some of them. I -- I didn't get through all  
22 of them.

23 BY MS. CANFIELD:

24 Q Okay. Do you recall the subject matter of  
25 the emails that you were able to get through?

Melissa Kaye

Page 39

1 MS. HAGAN: Objection.

2 BY MS. CANFIELD:

3 Q You can answer.

4 A Well, I remember looking at the one where  
5 Elizabeth Ford said that they were going to manage me  
6 out.

7 I recall the exchanges between me and Dr.  
8 Jain about my shift change.

9 I recall one where Dr. Ford told Dr. Jain to  
10 ignore my email about my brother's death and my  
11 request to have my shift restored to what it had been  
12 prior.

13 I remember emails that categorized me as the  
14 reason and the problem for CHS getting itself into  
15 trouble with the Court by defying court orders.  
16 That's -- that's pretty much what I recall.

17 Q Okay. Thanks. Now I want to take these one  
18 at a time.

19 The email that you first mentioned was the  
20 email where Dr. Ford, you said, had the words "manage  
21 me out." Do you recall the date of that email?

22 A I think it was in early February. I think  
23 it was early February 2018.

24 Q Okay.

25 MS. CANFIELD: Do you need to take a

Melissa Kaye

Page 40

1 message?

2 THE WITNESS: No. I just got a -- can  
3 I -- can I -- this is about someone picking up my  
4 kids.

5 MS. CANFIELD: Yeah. You can --

6 THE WITNESS: Can I take a break for a  
7 second? I'm sorry.

8 MS. CANFIELD: Yes.

9 THE WITNESS: For this?

10 MS. CANFIELD: Yes, of course.

11 THE REPORTER: The time is 10:57 a.m.  
12 We're off the record.

13 (Off the record.)

14 THE REPORTER: The time is 10:59 a.m.  
15 We're back on the record.

16 MS. CANFIELD: All right. Thank you.

17 BY MS. CANFIELD:

18 Q The email you believe was February 2018; is  
19 that correct?

20 A I'm not certain. I -- I -- that's -- that's  
21 just my recollection.

22 Q Okay. Well, the document will speak for  
23 itself.

24 Do you know when you read that email or that  
25 time period, had you transitioned to CHS or were you



Melissa Kaye

Page 41

1 still an employee of Bellevue?

2 MS. HAGAN: Objection.

3 If you recall, you can answer.

4 THE WITNESS: I know that CHS contacted  
5 Bellevue for -- yeah. I was contacted by Bellevue in  
6 December 2017 and told that CHS was taking over  
7 management of the court clinics.

8 THE REPORTER: Taking over management  
9 of what?

10 THE WITNESS: The court clinics. I was  
11 told by Bellevue -- my chain of command at Bellevue in  
12 December 2017 that CHS was taking over management of  
13 the court clinics.

14 BY MS. CANFIELD:

15 Q Okay. And do you recall exactly when you  
16 transitioned under CHS and left the employment at  
17 Bellevue?

18 MS. HAGAN: Objection.

19 MS. CANFIELD: You can answer.

20 MS. HAGAN: To the extent that she can  
21 answer the question.

22 THE WITNESS: That is -- the answer to  
23 that question would depend on how you would define the  
24 transition.

25 //

Melissa Kaye

Page 42

1 BY MS. CANFIELD:

2 Q Okay. Let me ask you this. In February  
3 2018, who did you report to?

4 A I reported to Jeremy Colley, M.D.

5 Q So you did not report to Dr. Ford at that  
6 time?

7 MS. HAGAN: Objection.

8 THE WITNESS: No. Not yet.

9 BY MS. CANFIELD:

10 Q Okay. Why do you believe Dr. Ford --

11 MS. CANFIELD: Do you need to look at  
12 those messages?

13 THE WITNESS: No.

14 MS. CANFIELD: Okay. Is there any way  
15 you can put that on vibrate -- your phone?

16 THE WITNESS: I -- I can try. I'm not  
17 really that -- I'm not really that tech -- tech savvy,  
18 but I can try. I don't know.

19 MS. CANFIELD: Are you receiving emails  
20 or is that your phone that's making a noise?

21 MS. HAGAN: Objection.

22 THE WITNESS: Pictures. Someone's  
23 sending me pictures. Sorry. I only have one phone,  
24 so I'm not really sure what to do.

25 MS. CANFIELD: My question was the

1 dinging, is that coming from your computer or your  
2 phone?

3 THE WITNESS: I don't know. I don't  
4 know.

5 MS. CANFIELD: Did you receive a  
6 message on your computer or did you receive a message  
7 on your phone?

8 MS. HAGAN: She said she didn't know.  
9 Let's move on.

10 MS. CANFIELD: That's a different  
11 question. Please.

12 THE WITNESS: I -- when I get a -- my  
13 computer and my phone are linked. So when I get a  
14 message on one, it comes on the other also.

15 MS. CANFIELD: Okay. Okay. It's just  
16 very disruptive of the deposition. If you can somehow  
17 turn it off or turn down the volume?

18 THE WITNESS: Yeah. When we take a  
19 break, I'll call -- I'll call the school and see if I  
20 can let them know that I am not available or  
21 something. I -- I don't know. I'll figure out  
22 something. I'll figure out something. I'll call the  
23 kids' school and I'll let -- I'll call the nurse's  
24 office and let them know that I'm unavailable.

25 MS. CANFIELD: Okay. If you feel

Melissa Kaye

Page 44

1 comfortable doing that. Just if there's some way --

2 THE WITNESS: I mean, I don't know what  
3 else to do because I -- you know, they do call me from  
4 the school here and again, so I don't know what to  
5 say.

6 MS. CANFIELD: Okay. Okay.

7 BY MS. CANFIELD:

8 Q The email that you reviewed from Dr. Ford  
9 where she used the phrase "manage me out," do you  
10 believe that that phrase was motivated by  
11 discrimination?

12 A Yes.

13 Q Okay. What type of discrimination?

14 MS. HAGAN: Objection as to form. It  
15 calls for a legal conclusion.

16 Answer if you can.

17 THE WITNESS: I believe it was sex  
18 discrimination.

19 BY MS. CANFIELD:

20 Q Why do you believe Dr. Ford, as a woman, was  
21 discriminating against you based on your sex?

22 A Well, she was treating me differently than  
23 my male colleagues.

24 Q How did she treat you differently?

25 A She -- she retaliated against me over an

Melissa Kaye

Page 45

1 issue that I shared. My -- my male colleagues agreed  
2 with me and were involved in the issue as much or more  
3 than I was, and I got scapegoated for the issue.

4 They were taken seriously and respected for  
5 their opinion about the issue and I was deemed a  
6 problem and a cyclone and I was targeted.

7 Q What is "the issue" that you're referring  
8 to?

9 A The issue is using redacted versus  
10 unredacted records in conducting forensic assessments  
11 of criminal defendants.

12 Q Prior to that issue, do you believe that Dr.  
13 Ford discriminated against you based on your gender?

14 A Yes.

15 Q Okay. And why do you believe that?

16 A I discovered when -- I reported to Dr. Kaye  
17 -- I mean, I'm sorry. I don't report to myself.

18 I reported to Dr. Ford when I worked at  
19 Bellevue. She was the director of the Division of  
20 Forensic Psychiatry.

21 Q Mm-hmm.

22 A And she was my direct report-to. I  
23 discovered in -- around 2013 or 2014, I discovered  
24 that I was on a lower title and getting paid less than  
25 my male comparator.

Melissa Kaye

Page 46

1 Q And who was that -- your male comparator?

2 A That was Steven Ciric, M.D.

3 Q And how did you learn that you were being  
4 paid less?

5 A I -- someone made a mistake and disseminated  
6 an email with all of the doctors working at Bellevue  
7 -- their -- all their information, including their --  
8 their titles and their salaries.

9 And I looked at that email. I didn't know  
10 it was by mistake. It was only later expunged from  
11 the system or everyone was later denied access to that  
12 email, but it had gone out. And I saw the email and I  
13 was, you know, taken aback, and I contacted my union.

14 Q Okay. And who at your union did you contact  
15 in particular?

16 A I believe at the time, the union  
17 representative was Lori Davidson I think was her name.

18 Q Do you recall the year that you contacted  
19 her?

20 A It was around 2014.

21 Q Okay. All right. And what did you say to  
22 Lori Davidson when you contacted her?

23 A I told her the situation.

24 Q And what exactly did you tell her?

25 A I said, you know, "I'm getting paid less

Melissa Kaye

Page 47

1       than my male comparator. He's on -- he's on a  
2       physician specialist line and he's getting paid  
3       significantly more than I am, and I'm only on an  
4       attending three line. And I'm actually more of a  
5       physician specialist than he is. I have more  
6       fellowships under my belt than he does." And she just  
7       responded by shrugging it off and she said, "Oh, yeah.  
8       Well, be glad you're not in surgery. Be glad you're  
9       in psychiatry because the psychiatrists only get paid  
10      \$40,000 a year less than -- less than -- the female  
11      surgeons get paid \$60,000 less. So just be glad  
12      you're a psychiatrist and not a surgeon or it'd be  
13      worse." She said something like that to me.

14               And I was taken aback and I asked her, you  
15      know, if they could help me and she said no. That  
16      that's not -- they don't get into that with -- that's  
17      not part of the collective bargaining, pay -- pay  
18      issues.

19               Q       Did you confirm that by looking at the  
20      Collective Bargaining Agreement?

21               MS. HAGAN: Objection.

22               THE WITNESS: I -- she told me that  
23      it's not something the union could help me with, so I  
24      just accepted that was -- I figured if they could help  
25      me, they -- they would have I -- I thought. And she

Melissa Kaye

Page 48

1 -- she said it's just pervasive. This paying female  
2 physicians less than male physicians is just the  
3 pervasive practice of HHC, which stands for Health and  
4 Hospitals Corporation. She told me that was just the  
5 pervasive culture there and kind of basically said  
6 suck it up.

7 So I -- at the time, Elizabeth Ford was  
8 my report-to. And it was -- I think it was in 2014 --  
9 early 2014 and I had -- I went to her and I -- I told  
10 her about it and I asked her for my line to be changed  
11 from attending three to physician specialist and be  
12 paid equal to or more than Steve Ciric, because I was  
13 more qualified and I had more seniority than him. And  
14 she kind of gave -- well, she totally gave me the  
15 runaround and she kept saying that she would look into  
16 it and that she would talk to Dr. Mary Anne Badaracco  
17 who was -- I think still is the chief of psychiatry at  
18 Bellevue, and that she'd get back to me. And I -- you  
19 know, she'd always kind of put me off.

20 And I would, you know, periodically  
21 follow-up with her and she would send me the emails.  
22 And I remember one of the emails said, "Oh, you know,  
23 getting anything done around here is like moving  
24 elephants." And she just basically never did anything  
25 about it. And, you know, she just had this kind of



Melissa Kaye

Page 49

1 queen bee mentality where, you know, she was very hard  
2 on women. And, you know, it wasn't -- it was obvious.  
3 It was obvious to me and it was obvious to other  
4 people who -- who, you know, had to work under her --  
5 other women.

6 BY MS. CANFIELD:

7 Q How was she hard on other women?

8 A Just not as -- not as supportive. Not  
9 professionally supportive. Quick -- you know, quick  
10 on the draw, you know? Shoot first, ask questions  
11 later-kind of style. And, you know, like failing to  
12 consider my pay parity concerns seriously.

13 Q Let me ask you a question. Who are the  
14 other women that she was not as supportive of?

15 A Well, I know that Melanie Farkas and I --  
16 please, I'm not sure -- don't ask me how to spell it.  
17 I -- I'm not sure. I think it's F-A-R-K-U-S [sic].  
18 I'm not sure.

19 Q Okay.

20 A You know --

21 Q What was her title?

22 A She was a psychologist on the inpatient unit  
23 at Bellevue.

24 Q Was she doing forensic psychology or was she  
25 doing -- seeing patients and --

Melissa Kaye

Page 50

1           A       The inpatient forensic unit was a treatment  
2       unit. I did not work in treatment capacity during my  
3       time at HHC. I worked as a forensic evaluator at the  
4       Bronx Court Clinic. But Bellevue did oversee the  
5       Bronx and Manhattan Court Clinics which were forensic  
6       --

7                   THE REPORTER: Bronx and what?

8                   THE WITNESS: The -- the Bellevue  
9       Hospital oversaw the Manhattan and Bronx Court  
10      Clinics, which were forensic evaluation centers in the  
11      --

12     BY MS. CANFIELD:

13           Q       Okay.

14           A       -- in the courthouses.

15           Q       How is it that you know that Melanie Farkas  
16      was treated differently or poorly by Dr. Ford?

17           A       She -- she told me.

18           Q       Okay. But you didn't work with her, did  
19      you?

20                   MS. HAGAN: Objection.

21                   THE WITNESS: I had -- there were  
22      overlaps in our professional activities.

23     BY MS. CANFIELD:

24           Q       Where was your office during the time that  
25      you -- during the time that you're describing now with

1 Dr. Ford and learning that you were paid less than Dr.  
2 Ciric?

3 A My office is in the Bronx courthouse.

4 Q Okay. And where was Melania Farkas' office,  
5 if at all?

6 A At Bellevue.

7 Q Okay.

8 A The 19th floor.

9 Q Okay. So you would not see her on a regular  
10 basis; is that fair to say?

11 A I would be down at Bellevue not infrequently  
12 back in those days. I would go down to Bellevue and  
13 do forensic assessments for inmates that were admitted  
14 either to the medical prison unit. It really wasn't a  
15 prison, it was a jail, but it was the -- if they were  
16 too medically ill or compromised or undergoing some  
17 kind of treatment, acute treatment, they would not be  
18 at Rikers. They would be at Bellevue on the medical  
19 service. And if there was a 730 ordered, I -- you  
20 know, I would sometimes go down there and do the exam  
21 down there just to move the case forward.

22 Similarly with the inpatient psychiatric  
23 unit, I would see defendants -- they were defendants  
24 to me, they were patients for them. But I would see  
25 the incarcerated individual at Bellevue.

Melissa Kaye

Page 52

1           There were staffing issues in the Bronx, so  
2           sometimes I would meet another evaluator from the  
3           Manhattan Court Clinic or someone else to do the exam  
4           at Bellevue.

5           Q     Okay. So there were some staffing issues in  
6           the Bronx as early as 2014?

7           A     No, I wouldn't say it was that early. Well,  
8           I'd have to -- let me think. When did -- there were  
9           periodic staffing issues. There were staffing issues  
10          between 2005 and 2008. And then definitely that --  
11          then.

12          The other reason I would see cases at  
13          Bellevue or my other overlap --

14          Q     Hold on a second. I want to know if there  
15          were staffing issues in 2014.

16                   MS. HAGAN: Objection.

17                   THE WITNESS: No, I don't think there  
18          were.

19          BY MS. CANFIELD:

20          Q     Okay. All right. I'm going to move on  
21          because we're going to talk about this, but I don't  
22          want to get too far off the path.

23                  Anyone other than Melanie Farkas that you  
24          believe was another female that Dr. Ford treated less  
25          favorably as compared to the male doctors?

Melissa Kaye

Page 53

1 A Yes.

2 Q Who else?

3 A Dr. Erica Weissman. She was a JD PsyD.

4 Q And how did Dr. Ford treat her less  
5 favorably?

6 A She was just very -- Dr. Ford was very hard  
7 on Dr. Weissman. Very critical of her -- of her and  
8 she had told me when -- when she got hired, Dr. Ford  
9 had told me that she was going to manage her out, and  
10 she did.

11 Q Dr. Ford told you that she was going to  
12 manage Dr. Weissman out?

13 A Yes.

14 Q When did she say that, if you can recall?

15 A It was around -- I do recall and I recall  
16 specifically because it was in the context of me --  
17 Dr. Ford had just been hired to be the director of the  
18 forensic psychiatry unit at Bellevue. It was around  
19 2009 -- early 2009. And I had wanted to meet with Dr.  
20 Ford and I sent her an email. I wanted to tell her  
21 that I was pregnant with twins. I wanted to tell her  
22 that just to give her the heads up, you know? That  
23 this was going to -- this was going to be, you know,  
24 the situation. And I also wanted to clarify some  
25 business matters about the -- the court clinic.

Melissa Kaye

Page 54

1                   And what Dr. Weissman's role was going to be  
2                   because it had shifted during the period of time Dr.  
3                   Weissman was at Bellevue and I just wanted some  
4                   clarification of, you know, like this -- what --  
5                   specifically, if I were to want to refer a defendant  
6                   for longitudinal observation to help complete his 730  
7                   exam, there were some unclear kind of administrative  
8                   algorithms about how that was done.

9                   Q     Let me interrupt you right here. Dr.  
10                  Weissman -- was Dr. Weissman also part of the  
11                  inpatient treatment -- treating staff?

12                 A     Yes. Her -- well, yes. Yes and --

13                 Q     Okay.

14                 A     -- and additionally, she was administration  
15                  and treatment. She was -- her title was clinical  
16                  director.

17                 Q     Okay. But she was not conducting forensic  
18                  examinations, correct?

19                         MS. HAGAN: Objection.

20                         THE WITNESS: I cannot say that she did  
21                  not hear and again conduct a 730 exam. I don't know  
22                  about --

23                  BY MS. CANFIELD:

24                 Q     Okay.

25                 A     But that was not the primary job.

Melissa Kaye

Page 55

1 Q Okay. So tell me -- I want to know  
2 specifically how Dr. Ford treated her less favorably.  
3 That was the question.

4 A When I communicated with Dr. Ford about  
5 this, she was just very -- spoke very unfavorably  
6 about Dr. Weissman and was kind of dismissive of what  
7 I was asking. And she just told me that, "Well, we're  
8 going to manage her out. We're going to manage her  
9 out."

10 She clearly didn't like Dr. Weissman and she  
11 said, "We're going to manage her out."

12 Q Okay. Now did Dr. Weissman tell you that  
13 she believed that Dr. Ford was treating her poorly?

14 MS. HAGAN: Objection.

15 THE WITNESS: I didn't have that  
16 discussion with Dr. Weissman.

17 BY MS. CANFIELD:

18 Q Okay. How about Dr. Farkas? Did she tell  
19 you that she believed that Dr. Ford was treating her  
20 less favorably?

21 MS. HAGAN: Objection.

22 THE WITNESS: She felt she -- yeah, she  
23 had some unfavorable comments about Dr. Ford and --  
24 and her treatment of -- the way that she was treated,  
25 yes.

Melissa Kaye

Page 56

1 BY MS. CANFIELD:

2 Q Okay.

3 A She said some unfavorable things to me.

4 Q And what did she say?

5 A Well, the one thing that I remember, she --  
6 she thought Dr. Ford was a sociopath.

7 Q Okay.

8 A And that, you know, she didn't support the  
9 staff. And there was a lot of complaints about Dr.  
10 Ford's schedule. Dr. Ford had worked out this -- you  
11 know, mind you, Dr. Ford was in charge of an inpatient  
12 treatment unit, okay? This was clinical work. And  
13 she had worked out some schedule where she would come  
14 in -- ostensibly come in at some very early hour, like  
15 6:30. She ostensibly worked 6:30 in the morning till  
16 2:30 in the afternoon, four days a week, and then had  
17 Thursdays off is what I recall.

18 And so, you know, on an inpatient unit where  
19 you have all the clinical activity happening during  
20 business hours, you know, there's no social workers  
21 and activity therapists at the hospital at 6:30 in the  
22 morning. And 2:30 in the afternoon is pretty early to  
23 -- to be leaving work when you're in charge of an  
24 inpatient unit, so she was very much resented about  
25 that.



Melissa Kaye

Page 57

1                   There was this --

2           Q     Oh, excuse me. Hold on. Who was very much  
3     resented? Dr. Ford?

4           A     All the -- the treatment staff that -- that  
5     were working under her at the time.

6           Q     Okay. So not just Dr. Farkas, but all the  
7     treatment staff were resentful of her schedule?

8           A     There was rumbling and chattering about it,  
9     yeah.

10          Q     Okay. Okay. And how else did -- what else  
11     did Dr. Farkas tell you about why she was treated less  
12     favorably?

13          A     She just felt that she wasn't supported.  
14     Her professional development wasn't supported. She  
15     wasn't respected as a psychologist. She just felt  
16     devalued.

17          Q     Okay. And did she --

18          A     I'm not going to say those were the exact  
19     words, but that was the feeling I -- that was the  
20     impression that I had leaving the conversation.

21          Q     Okay.

22                   THE REPORTER: I'm sorry. "Leaving the  
23     conversation"? Did you say anything after that?

24                   THE WITNESS: That was my takeaway  
25     impression of the -- of her complaint and I do

Melissa Kaye

Page 58

1 remember her saying that she thought Ford was a  
2 sociopath.

3 BY MS. CANFIELD:

4 Q Okay. Other than Dr. Farkas and Dr.  
5 Weissman, any other females who felt that they were  
6 treated less favorably by Dr. Ford because of their  
7 sex?

8 MS. HAGAN: Objection.

9 To the extent you can answer.

10 THE WITNESS: I don't recall any other  
11 --

12 MS. CANFIELD: Okay. Okay. That's  
13 fine.

14 THE REPORTER: I'm sorry. Please  
15 repeat the answer.

16 THE WITNESS: I don't recall any other  
17 specific incidents.

18 THE REPORTER: Thank you.

19 BY MS. CANFIELD:

20 Q Okay. Now after learning that you were paid  
21 less than Dr. Ciric, other than raising the issue with  
22 your union and raising the issue with Dr. Ford, did  
23 you raise the issue with anyone else?

24 A Yes.

25 Q Who?

Melissa Kaye

Page 59

1           A     Dr. Jeremy Colley.

2           Q     And what did you say to Dr. Colley?

3           A     Well, Dr. Ford left to go work for CHS at  
4     DOH MH in -- I don't know -- 2014 or '15. I think  
5     '15. And Dr. Jeremy Colley took over that role as the  
6     director of forensic -- the director of the Division  
7     of Forensic Psychiatry at Bellevue.

8           Q     Okay. So what did you say to him about the  
9     pay equity issue?

10          A     He came up to the Bronx to just -- right  
11     after he got hired, he came up to the Bronx to meet  
12     with me and Dr. Barry Winkler. And he just wanted to  
13     check in and ask questions and ask about any problems.  
14     And during that meeting, I told him about the pay  
15     parity issue.

16          Q     What exactly did you say?

17          A     I said I'm getting paid less than my male  
18     colleagues and Ford said she would look into it and  
19     take care of it, and nothing ever happened.

20          Q     Okay. So you said "male colleagues." Did  
21     you believe that you were being paid less than more  
22     than one male colleague?

23          A     I know that it was -- that Steve Ciric was  
24     on the physician specialist line and that is a higher  
25     paying line. And then there was another -- I believe

Melissa Kaye

Page 60

1       there was another male -- I considered Steve Ciric my  
2       comparator because we were both medical directors of  
3       our respective court clinics. But there was another  
4       male psychiatrist, I don't even remember the name, who  
5       was part-time at the Manhattan Court Clinic who also  
6       had a physician specialist line.

7           Q       Okay. And how was it that you know that  
8       this psychiatrist who worked part-time was paid more  
9       than you?

10          A       Because I saw the spreadsheet.

11          Q       It was a spreadsheet, and that was the email  
12       that you testified to earlier that was inadvertently  
13       sent around?

14          A       Yes.

15          Q       Okay.

16          A       It was erroneously sent out to everyone.

17          Q       Okay. And what did Dr. Colley say, if  
18       anything, in response?

19          A       Well, he seemed to take my complaint  
20       seriously and said he would talk to Dr. Mary Anne  
21       Badaracco who was the chief of psychiatry for  
22       Bellevue.

23          Q       Okay. Do you know if he spoke with Dr.  
24       Badaracco?

25          A       He did.

Melissa Kaye

Page 61

1 Q Okay. And how do you know that?

2 A Because she called me into her office  
3 shortly thereafter.

4 Q Okay. And for what reason did she call you  
5 into her office?

6 A She was concerned about my complaint  
7 regarding pay parity.

8 Q And how do you know that?

9 A Because she told me.

10 Q What did she say?

11 A She said, "Oh, yeah. Well, this is -- you  
12 know, this is something we need to address. This is  
13 an EEOC issue."

14 It was clear to me from my interaction with  
15 her that Ford had never talked to her. That this was  
16 the first time she was hearing about it.

17 Q Okay. And how is it that you were led to  
18 believe that Dr. Ford had not met with Dr. Badaracco  
19 about the pay issue?

20 A Because she was interacting with me as if  
21 this was the first she was hearing about it from  
22 Jeremy Colley.

23 Q Okay. And other than saying "this is an  
24 EEOC issue," what else did she say, if anything?

25 A She said she would look into it.

Melissa Kaye

Page 62

1 Q Okay. Did she tell you specifically what  
2 she would do when she said she would look into it?

3 MS. HAGAN: Objection. Form.

4 THE WITNESS: I don't know if she told  
5 me specifically at that time, but I did learn over the  
6 course of addressing this with Dr. Colley and Dr.  
7 Badaracco that she was interacting with central office  
8 -- HHC central office.

9 BY MS. CANFIELD:

10 Q And I'm sorry, how do you know that she was  
11 interacting with HHC central office?

12 A I don't know if Jeremy -- Dr. Colley or Dr.  
13 Badaracco told me that they were talking to central  
14 office or just over the course of a couple months when  
15 this was being dealt with -- being attempted to deal  
16 with it, I just know I got the information that  
17 central office was involved. I don't know if it was  
18 from Dr. Colley or Dr. Badaracco or both of them.

19 Q Okay. Other than learning that central  
20 office was involved, did you learn anything else about  
21 what was being done to address your complaints that  
22 you were being paid less?

23 A I was told that it was -- it was being  
24 looked into.

25 Q Anything else?

Melissa Kaye

Page 63

1           A       Well, yes. About -- and I don't know the  
2       exact timeframe, but it seemed like maybe two or three  
3       months, I don't know, or longer. Maybe it was longer?  
4       Maybe six -- six months? It was more -- a while  
5       later, and I'm sorry I can't specify the time, but  
6       there are emails about this in GroupWise if -- if we  
7       want to ever look at those. They're old.

8                       But basically at one point I was told that  
9       -- and I think I met with Dr. Badaracco again and  
10      maybe Dr. Colley, too. And I was told that basically  
11      "you die in your line." And that my line could not be  
12      changed -- could not, would not, I don't remember the  
13      exact wording, but my line was not going to be changed  
14      from attending three to physician specialist.

15           Q       Did they say why it would not be changed  
16      from physician three -- or attending physician three  
17      to physician specialist?

18                       THE REPORTER: Please repeat the  
19      question.

20      BY MS. CANFIELD:

21           Q       Did they say why your line would not be  
22      changed from attending physician to physician  
23      specialist?

24           A       They told me that you could not change your  
25      line. That a line could not be changed. That's what

Melissa Kaye

Page 64

1       they told me.

2           Q       Okay. And who told you that?

3           A       Dr. Badaracco and -- and Jeremy Colley.

4           Q       Okay. And how did they tell you that? In  
5       person or in writing?

6           A       I don't -- I know I had a meeting with them  
7       and I don't know if they told me at the meeting? And  
8       I got emails about it because it continued on, so they  
9       said, but -- your line can't be changed, but each  
10      corporate pay title has a -- there's different tiers.  
11      There's a gradation of pay and there's a range of pay,  
12      right? So they said, "We can -- or central office can  
13      push you to the top pay range for attending three. We  
14      can do that for you."

15          Q       And did that happen?

16          A       Yes, it did happen.

17          Q       Okay.

18          A       But it did not come near to closing the pay  
19      gap between me and Steve Ciric. It amounted to about  
20      a \$2,000 a year increase in my salary and it didn't --  
21      and I think he was getting paid about \$38,000 a year  
22      more than me. So it brought -- maybe it brought the  
23      pay difference down to 35 or 36,000, but it didn't  
24      correct the problem.

25          Q       Okay. And after you met with Dr. Badaracco



Melissa Kaye

Page 65

1 and Dr. Colley, did you ever go back to your union  
2 about the issue?

3 A No.

4 MS. HAGAN: Objection.

5 THE WITNESS: No. I -- my union had  
6 told me they can't help or get involved in an issue  
7 like that.

8 BY MS. CANFIELD:

9 Q Let me back up because I know we're going  
10 down to some of the substance of your complaint, but I  
11 want to go make sure I cover everything that I wanted  
12 to cover beforehand.

13 Other than reviewing the documents -- the  
14 emails that you testified to earlier -- and speaking  
15 with your attorney, did you do anything else to  
16 prepare for today's deposition?

17 MS. HAGAN: Objection.

18 You can answer.

19 THE WITNESS: I mean, it depends on  
20 when you -- I want to answer that accurately. I mean,  
21 I've done things regarding my lawsuit over a period of  
22 time, whether it's for direct preparation for this  
23 deposition, I -- I guess that's up -- that's up for,  
24 you know, debate.

25 I mean, it -- I've -- I've looked at --

Melissa Kaye

Page 66

1 I looked at some of the deposition transcripts from a  
2 while back -- a while back I looked at them. So I  
3 guess you could consider -- I guess you could consider  
4 that preparation. I don't know.

5 BY MS. CANFIELD:

6 Q Okay. Whose deposition transcripts did you  
7 review?

8 A I looked at -- this was quite some time ago.  
9 I think it was maybe a year or more -- more than a  
10 year ago. Feels like two years ago. I don't know.  
11 But I looked at Dr. Yang's deposition transcript, and  
12 more recently but also a while ago, I looked at Ms.  
13 Patsos' deposition transcript.

14 THE REPORTER: Could you please spell  
15 that?

16 THE WITNESS: P-A-T-S-O-S.

17 BY MS. CANFIELD:

18 Q Anyone else?

19 MS. HAGAN: Objection.

20 THE WITNESS: I skimmed -- I skimmed  
21 through Dr. Ford's, but I didn't -- I skimmed through  
22 Dr. Ford's.

23 BY MS. CANFIELD:

24 Q Is that it of the deposition transcripts?

25 A Yeah.

Melissa Kaye

Page 67

1 Q Is that a yes? Yes?

2 A I think. Yeah, yeah. I think that's it.

3 Q Okay. When you spoke with your attorney,  
4 did you do so by telephone or in person?

5 MS. HAGAN: Objection.

6 THE WITNESS: On the phone.

7 BY MS. CANFIELD:

8 Q Okay. Was anyone else present during the  
9 meeting?

10 MS. HAGAN: Objection.

11 You can't --

12 She's not going to answer that. It's  
13 attorney-client privilege.

14 MS. CANFIELD: If someone was there,  
15 then there is no privilege.

16 BY MS. CANFIELD:

17 Q Was anyone in attendance at the time you  
18 spoke with your attorney by telephone?

19 A No.

20 Q Other than your attorney, did you speak with  
21 anyone else about your deposition today?

22 MS. HAGAN: Objection.

23 THE WITNESS: Well, I -- I told people  
24 it was happening.

25 //

Melissa Kaye

Page 68

1 BY MS. CANFIELD:

2 Q Who did you tell?

3 A The people that I asked to help me with my  
4 kids.

5 Q Okay. Were these family members or  
6 babysitters?

7 A Family member and parents of -- of students  
8 that go to school with my -- my children.

9 Q Besides the current action, have you ever  
10 been a plaintiff or defendant in any other lawsuit?

11 A I've not been a defendant and I don't know  
12 how to answer the question about being a plaintiff.

13 Q Have you ever sued anyone before prior to  
14 this litigation?

15 A Yes.

16 Q Who have you sued?

17 MS. HAGAN: Objection.

18 You can answer.

19 THE WITNESS: New York City Department  
20 of Education.

21 BY MS. CANFIELD:

22 Q And for what reason did you sue the New York  
23 City Department of Education?

24 A It was on the behalf of my minor child -- my  
25 son.

Melissa Kaye

Page 69

1 Q Was this in relation to an individualized  
2 education plan?

3 A Yes.

4 Q And what was the result of that litigation?

5 A It was granted. Modifying -- I'm sorry.  
6 May I correct that? It was modified as requested and  
7 granted. The IEP was modified as requested.

8 Q Okay. And what was the IEP for your son?

9 MS. HAGAN: Objection. That's not  
10 relevant. We're not going to actually -- she's not  
11 going to answer that question.

12 MS. CANFIELD: I can ask it a different  
13 way later. That's fine.

14 BY MS. CANFIELD:

15 Q Have you ever given a deposition or did you  
16 give a deposition in relation to the lawsuit you filed  
17 against the Department of Education?

18 MS. HAGAN: Objection as to form.

19 You can "ask" if you understand.

20 THE WITNESS: I was not deposed in the  
21 Department of Education matters.

22 BY MS. CANFIELD:

23 Q Were you represented by counsel in that  
24 matter?

25 A Yes.

Melissa Kaye

Page 70

1 Q And who represented you?

2 A It was Nicole Saldana [ph] and she had  
3 temporarily a partner, but they split up and I stayed  
4 with Nicole. I don't remember the partner's name.

5 Q Do you remember the name of the firm?

6 MS. HAGAN: Objection.

7 THE WITNESS: I don't know if it was a  
8 firm. They were just two women working together.

9 BY MS. CANFIELD:

10 Q Okay. In what year did you sue the DOE?

11 A It was two years in a row. One year was  
12 2016. And I don't remember if the first year was 2015  
13 or if the -- so I don't remember if it was 2015-2016,  
14 or 2016-2017.

15 Q Okay. And have you ever signed an affidavit  
16 or a declaration in connection with the litigation  
17 against the DOE?

18 MS. HAGAN: Objection to form.

19 THE WITNESS: I think I did sign  
20 something. I don't remember what it was, but I  
21 remember when the case -- the DOE case was resolving  
22 and they were going to modify his IEP, that I did have  
23 to sign a lot of papers. And I don't know if it was  
24 called a declaration, but I signed a lot of papers.

25 //

Melissa Kaye

Page 71

1 BY MS. CANFIELD:

2 Q Okay. Any other -- go ahead. I'm sorry.

3 THE WITNESS: I'm getting, like, texts  
4 about my -- something about my kids' stuff and I was  
5 wondering if there was any way we could take a break  
6 soon? Just a short break?

7 MS. CANFIELD: Yes. Let's take a five-  
8 minute break now.

9 THE WITNESS: I can -- okay. All  
10 right. Thank you.

11 THE REPORTER: The time is 11:42 a.m.  
12 We're off the record.

13 (Off the record.)

14 THE REPORTER: The time is 11:49 a.m.  
15 We're back on the record.

16 MS. HAGAN: I'm ready to proceed.

17 MS. CANFIELD: Thank you.

18 BY MS. CANFIELD:

19 Q Dr. Kaye, you're represented here by Special  
20 Hagan; is that correct?

21 A Yes.

22 Q When did you first contact Special Hagan  
23 regarding the issues in this litigation?

24 MS. HAGAN: Objection. She's not going  
25 to answer that.

Melissa Kaye

Page 72

1 MS. CANFIELD: That's not privileged  
2 when she first contacted you. I'm not going to ask  
3 her what she said, I just want to know when she first  
4 contacted you.

5 THE WITNESS: I want to give -- I can  
6 give you a timespan, but I can't give you a date.

7 BY MS. CANFIELD:

8 Q Okay. Whatever you can provide.

9 A I would -- I would say September/October  
10 2018.

11 Q Okay. And what led you to contact Special  
12 Hagan regarding the litigation?

13 MS. HAGAN: Objection.

14 THE WITNESS: I needed to find a new  
15 lawyer.

16 BY MS. CANFIELD:

17 Q And had you contacted other attorneys or law  
18 firms prior to contacting Special Hagan?

19 A I was represented by another law firm.

20 Q Okay. And what was the name of that law  
21 firm?

22 MS. HAGAN: Objection.

23 THE WITNESS: I think it was Bentley &  
24 Levy.

25 //



Melissa Kaye

Page 73

1 BY MS. CANFIELD:

2 Q Did you have a retainer agreement with that  
3 firm?

4 A Yes.

5 Q And do you recall when you entered into a  
6 retainment agreement with Bentley & Levy?

7 MS. HAGAN: Can I correct it? It was  
8 Bantle & Levy. So it was B-A-N-T-L-E.

9 MS. CANFIELD: Okay. Thank you.

10 THE REPORTER: And can you spell Levy?

11 MS. HAGAN: L-E-V-Y.

12 THE WITNESS: I don't recall when --  
13 when I entered into the -- when I signed the retainer.

14 BY MS. CANFIELD:

15 Q Do you recall when you first contacted them  
16 about the issues in this litigation?

17 A I don't.

18 Q Do you know if it was in 2018?

19 A Yes. Yes, it was in 2018.

20 Q Okay. Was it while you were working at  
21 Bellevue?

22 MS. HAGAN: Objection.

23 THE WITNESS: Am I supposed to answer?

24 MS. HAGAN: Yes.

25 MS. CANFIELD: Yes.

Melissa Kaye

Page 74

1 THE WITNESS: Yes.

2 BY MS. CANFIELD:

3 Q Okay. So is it your best recollection that  
4 it was early in 2018 when you contacted or reached out  
5 to Bantle & Levy?

6 A Yes.

7 MS. HAGAN: Objection.

8 BY MS. CANFIELD:

9 Q Okay. In 2013 and 2014, when you learned  
10 that you were being paid less than Dr. Steven Ciric,  
11 did you reach out to any attorneys at that time?

12 MS. HAGAN: Objection.

13 THE WITNESS: I don't recall.

14 BY MS. CANFIELD:

15 Q Okay. When you learned that you were being  
16 paid less than Dr. Steven Ciric, did you file any type  
17 of administrative complaint? Meaning did you file a  
18 complaint with the EEOC or the State Division of Human  
19 Rights or the City Commission of Human Rights?

20 MS. HAGAN: Objection.

21 You can answer.

22 THE WITNESS: No.

23 MS. CANFIELD: Okay.

24 THE REPORTER: Was the answer no?

25 THE WITNESS: The answer is no.

Melissa Kaye

Page 75

1 BY MS. CANFIELD:

2 Q When you learned that you were being paid  
3 less than Dr. Steven Ciric, did you file an internal  
4 complaint with Bellevue?

5 MS. HAGAN: Objection.

6 THE WITNESS: I complained to Dr. Ford  
7 and later I complained to Dr. Colley.

8 BY MS. CANFIELD:

9 Q Okay. But did you file a complaint with the  
10 EEO office of Bellevue?

11 A No.

12 Q Do you know if they filed a complaint with  
13 the EEO office of Bellevue?

14 A I don't know.

15 Q Why did you not contact legal counsel in  
16 2014, 2015 when you learned that you were being paid  
17 less than Dr. Steven Ciric?

18 MS. HAGAN: Objection.

19 You can answer.

20 THE WITNESS: My supervisor was Dr.  
21 Ford and then Dr. Colley were telling me it was going  
22 to be addressed.

23 BY MS. CANFIELD:

24 Q Okay. What led to you reaching out to  
25 Bantle & Levy in early 2018?

Melissa Kaye

Page 76

1 MS. HAGAN: Objection.

2 You can answer.

3 THE WITNESS: When CHS decided to take  
4 over the court clinics and started -- they started  
5 unofficially doing that in early 2018. And I learned  
6 that the psychologists working at the court clinics  
7 were getting their line -- their lines changed from  
8 psychology two to psychology three so that they would  
9 get a raise.

10 And so I was also aware that CHS was  
11 set up to be part of HHC, but also as separate from  
12 HHC, and that different rules applied to CHS. And so  
13 I thought, well, maybe at HHC proper, you have to die  
14 in your line and they couldn't change my line from  
15 attending three to physician specialist, but clearly,  
16 that's not true at CHS.

17 So I then decided that I was going to  
18 pursue that change in my corporate title to bring my  
19 pay -- make my pay comparable to Dr. Ciric and other  
20 physician specialists at the court clinics.

21 BY MS. CANFIELD:

22 Q Okay. So I'm not quite clear. The question  
23 was what led you to reach out to attorneys -- Bantle &  
24 Levy -- in early 2018. And the response was because  
25 you learned these three things?

Melissa Kaye

Page 77

1           A       I learned that the lines could in fact be  
2       changed, which I was told they couldn't. I asked -- I  
3       reached out to Dr. Yang and I asked for the change in  
4       title, and I explained the whole situation to her.  
5       She passed me off. It was in May, even though I was  
6       -- I was slated to switchover, you know, in a month or  
7       so -- a month and a half. And they had already taken  
8       over the Brooklyn and Queens clinic and the  
9       psychologist lines were changed to increase their  
10      salaries.

11                 I reached out to Dr. Yang early on when I  
12      found out about this and she kind of passed -- passed  
13      me off to Bill Hicks at Bellevue. And it was like the  
14      runaround and they said they would get back to me and  
15      they never did. So that's when I decided to file an  
16      EEOC complaint.

17                   THE REPORTER: Did you say Bill Hicks?

18                   THE WITNESS: Yes.

19                   THE REPORTER: Thank you.

20      BY MS. CANFIELD:

21           Q       Okay. So let's back up a little bit. You  
22      said that you learned that there were some  
23      psychologists whose lines were -- their levels were  
24      being increased from a level two to a level three; is  
25      that what your testimony was?

1           A       My testimony is that there's corporate  
2       titles -- I believe they're called corporate titles,  
3       which are titles that are linked to those pay ranges I  
4       talked about before.

5                   And the pay range for a psychologist two is  
6       less than the pay range for a psychologist three. So  
7       the psychologists that were being brought on board  
8       from the court clinics that were all -- all four court  
9       clinics were being merged under CHS. The  
10      psychologists who were working at the court clinics  
11      were getting their titles changed from a psychology  
12      two to psychology three so they could get paid more.  
13      So they were -- so they were getting an increase in  
14      their salary with this bump-up in their corporate  
15      title from psychology two to psychology three.

16           Q       Okay. So their lines weren't being changed.  
17      They were just moving up a level in their line?  
18      Similar to how you were -- you probably held a  
19      position attending physician two before you held the  
20      position attending physician three; is that correct?

21           A       No.

22                   MS. HAGAN: Objection as to form.

23                   THE WITNESS: That's not correct  
24      because a line is a line. So if you're in a line -- a  
25      psychology two line, that's your line. If you're in a

1 psychology three line, that's your line. If you're an  
2 attending three or attending -- or a physician  
3 specialist, that's your line. And I was told none of  
4 those lines could be changed.

5 So not --

6 BY MS. CANFIELD:

7 Q Okay. Who told you that a psychology two is  
8 a line different from psychology three, rather than  
9 just an internal bump-up within that line or within  
10 that scale? Who told you that?

11 A It's in the Collective Bargaining Agreement.  
12 If you look at the -- the designated city lines,  
13 they're discrete and -- and separate. They're not --  
14 it's not a part of the same -- the definition of the  
15 work isn't exactly the same.

16 I think -- I know for an attending three  
17 line, I can speak to -- that is -- includes some  
18 administrative responsibilities and that was my line.

19 I don't know the details about the  
20 definition of these lines, but the lines are discrete  
21 and separate. It's not like the -- the bumping up in  
22 -- in the range of a specific line with your pay is  
23 different than actually changing the corporate title.

24 Q Okay.

25 A And if the title changes from -- from

Melissa Kaye

Page 80

1 psychology two to psychology three, or -- or attending  
2 three to physician specialist, it's a -- it's a change  
3 in the corporate title. So I -- I was told that you  
4 cannot have a change in your line, a change in your  
5 corporate title at HHC. And that's why I couldn't  
6 have that equal pay to my male colleague. That's why  
7 I couldn't be a physician specialist. But then I  
8 learned otherwise that those same rules, if they are  
9 in fact true -- and I don't know, but that's what I  
10 was told and I believed at the time -- that I -- I  
11 just accepted that at the time, but then when I  
12 learned that at CHS that that rule doesn't apply, I  
13 wanted to correct this longstanding pay discrepancy.  
14 And I sought to -- to do that.

15 Q Okay. I'm going to stop you there. Who are  
16 the psychologists that you saw getting their line  
17 changed?

18 MS. HAGAN: Wait, wait, wait. She  
19 needs to finish her -- stop, stop.

20 THE REPORTER: I'm sorry. Please speak  
21 one at a time.

22 MS. HAGAN: Wait a second.

23 Dr. Kaye, did you finish your answer  
24 from the previous question?

25 THE WITNESS: Well, I -- I mean, I was



Melissa Kaye

Page 81

1 just talking about, you know, whatever I was -- I was  
2 just --

3 MS. HAGAN: Ms. Canfield, I'm going to  
4 just ask that you allow Dr. Kaye to finish her answers  
5 before you start with the next question.

6 MS. CANFIELD: I will do my best. I'm  
7 just trying to move the deposition along and just  
8 trying to get answers to the questions.

9 I apologize if I interrupted you, Dr.  
10 Kaye.

11 THE WITNESS: I'm sorry. I'll try to  
12 be more succinct. I'm -- I --

13 MS. CANFIELD: Thank you. Thank you.  
14 BY MS. CANFIELD:

15 Q What are the names of the psychologists that  
16 you said moved from psych two to psych three --  
17 psychology three?

18 A I don't know their exact names for sure, but  
19 I was told that all the psychologists in Queens and  
20 Brooklyn, or many of them, got a bump-up in their  
21 corporate title from psychology two to psychology  
22 three so they could get a raise.

23 Q Okay. Who told you that?

24 A Dr. Barry Winkler.

25 Q Dr. Winkler said that? Okay. Did Dr.

1 Winkler say that he was given a raise?

2 A He did not say. He -- well, he -- he was --  
3 he took a different job.

4 Q Okay. And what job did he take?

5 A And yes, I -- I'm sorry, Ms. Canfield. And  
6 yes, he did -- he did get a raise with his -- his new  
7 position.

8 Q Okay. And what was his new position that he  
9 took?

10 A He left the Bronx Court Clinic in April 2018  
11 to become the director of the Brooklyn Court Clinic.

12 Q Okay. And do you know at the time when he  
13 was -- prior to him becoming the director of the  
14 Brooklyn Court Clinic, do you know what title he held?

15 A Well, his -- I think -- and I believe it's  
16 called "functional title" if I'm not mistaken, which  
17 just means it's not linked to the corporate pay title.  
18 But he was deputy director of the Bronx Court Clinic.  
19 That was what he was, but that was -- yeah. That was  
20 --

21 Q What was his civil service title?

22 A He was not in civil service. He switched  
23 out of civil service.

24 Q Okay. And when did he do that?

25 MS. HAGAN: Objection.

Melissa Kaye

Page 83

1 If you know the answer.

2 THE WITNESS: I would say it was in the  
3 first three or so years that he was working at the  
4 Bronx Court Clinic.

5 BY MS. CANFIELD:

6 Q Okay.

7 A And he started working there in 2008, so  
8 maybe 2011 around, plus or minus.

9 Q Do you know if Dr. Winkler, when he was  
10 working at the Bronx Court Clinic, was a member of the  
11 union?

12 MS. HAGAN: Objection.

13 THE WITNESS: When -- when he was in  
14 the civil service title, he was. I -- yes.

15 BY MS. CANFIELD:

16 Q Okay. So is it your belief that prior to --  
17 immediately prior to going to Brooklyn, he was not in  
18 -- represented by a Collective Bargaining Unit when he  
19 was working in Bronx?

20 MS. HAGAN: Objection.

21 THE WITNESS: That's my understanding.

22 BY MS. CANFIELD:

23 Q Okay. And the psychologist that you were  
24 told received the change from psychologist two to  
25 psychologist three, do you know if they were members

Melissa Kaye

Page 84

1 of a Collective Bargaining Unit?

2 A Yes.

3 Q Okay. And how do you know that?

4 A Because the psychologists at the court  
5 clinics are -- they were all part of the Collective  
6 Bargaining Unit.

7 Q Okay. Do you know what Collective  
8 Bargaining Unit they were a part of?

9 A Is it DC 37?

10 MS. HAGAN: Objection.

11 Don't guess if you don't know.

12 THE WITNESS: Whatever the largest  
13 Collective Bargaining Unit is in -- in -- for  
14 healthcare workers. I think it's called DC 37.

15 MS. HAGAN: Objection.

16 BY MS. CANFIELD:

17 Q Okay.

18 A I'm not a hundred percent sure about that --

19 Q Okay.

20 A -- but I believe it's DC 37.

21 Q And during the time that you were employed  
22 at Bellevue and at CHS, were you a member of a  
23 Collective Bargaining Unit?

24 A Yes.

25 Q And what was the name?

Melissa Kaye

Page 85

1           A     Doctors Council.

2           Q     Okay. And so is it your testimony that  
3     Doctors Council does not represent psychologists?

4                     MS. HAGAN: Objection.

5                     If you know the answer to that  
6     question.

7                     THE WITNESS: Correct. They do not.

8     BY MS. CANFIELD:

9           Q     Okay. Now who did you speak to at CHS about  
10    getting your line changed? You said you spoke to Dr.  
11    Yang?

12          A     And Dr. Ford, and Dr. --

13                     THE REPORTER: And who was the third  
14    name?

15                     THE WITNESS: Dr. Jain. That's J-A-I-  
16    N.

17    BY MS. CANFIELD:

18          Q     And what did you say to Dr. Yang?

19          A     I wrote her -- well, I first talked to Dr.  
20    Ford and Dr. Jain in April because, I mean, CHS had  
21    unofficially taken over the court clinics by then. I  
22    mean, they were involved way back since 2015, but they  
23    then became very actively involved in 2018.

24                     And we were having meetings downtown with  
25    CHS and there was a lot of -- they had pretty much

Melissa Kaye

Page 86

1 taken over the management of the clinics by -- by  
2 April.

3 Q I'm sorry to interrupt, Dr. Kaye. My  
4 question was is what did you say to Dr. Yang?

5 A So we --

6 MS. HAGAN: Can you please let her  
7 finish her answer?

8 THE WITNESS: I'm sorry, Ms. Canfield.  
9 I'm going to try to be tight because I -- I did speak  
10 to Dr. Jain and Dr. Ford at a CHS court clinic-related  
11 matter down on Water Street in April of 2018 about the  
12 pay parity issues. I was ushered off to speak to Mr.  
13 Wangel and Jessica Laboy about -- about that and my --  
14 and the conditions of my work should I accept --  
15 formally accept the transfer that was scheduled for  
16 July.

17 And so I -- I verbally complained to  
18 them and then I asked Dr. Ford -- especially given my  
19 history with her, knowing that she never did anything  
20 about it at Bellevue, I didn't -- and then she was  
21 trying to push me to -- saying the only way I could  
22 have a pay raise is if I left the union and I didn't  
23 think that was reasonable. You know, Steve Ciric was  
24 in the union as a physician specialist, so I didn't  
25 feel like, you know -- if my male comparator who was

1 getting paid more than me was allowed to me in the  
2 union, I didn't feel I should have to be pushed out of  
3 the union just to get equal pay and -- and -- and then  
4 lose everything -- you know, give something up for  
5 that.

6 So she sent me an email I think that  
7 said -- was vague and cryptic. And I asked her about,  
8 you know, giving up the union benefits if I wanted to  
9 be considered for equal pay.

10 And so I asked her if I could reach out  
11 to Dr. Yang. And so she said yes. And I wrote Dr.  
12 Yang a long, detailed description of my -- my pay  
13 parity issues at HHC. And that was in -- I don't  
14 know. Probably right after that meeting. Maybe  
15 beginning of May or something, around there. End of  
16 April, beginning of May of 2018. And she passed me  
17 off -- bumped me back to Bellevue -- to Bill Hicks at  
18 Bellevue and they were kind of giving me a lot of lip  
19 service, but they never followed up with them.

20 They said they would follow-up with me,  
21 but neither one of them ever followed up with me.

22 BY MS. CANFIELD:

23 Q Okay. Let me ask you a question. When you  
24 spoke to Dr. Ford and she said that you would have to  
25 give up your union, explain to me what she explained

Melissa Kaye

Page 88

1 to you.

2 A Well, we didn't speak. She just --

3 MS. HAGAN: Objection as to form.

4 You can answer.

5 THE WITNESS: We didn't -- she -- Dr.  
6 Ford kept me at an arm's length. I only met -- once  
7 Bellevue -- I only met face to face with Dr. Ford once  
8 during my employment at -- well, twice actually. I'm  
9 going to correct that.

10 She only -- she kept me at an arm's  
11 length. I met with her once at a meeting that I  
12 insisted upon having. She tried to get out of it, but  
13 I insisted upon having a meeting. November 30th was  
14 the meeting of 2018. And so she didn't call or meet  
15 with me, so she would just, you know -- she would send  
16 these kind of -- these emails. And the email was,  
17 "Well, yeah." I don't remember exactly what the email  
18 said, but it basically was, "Yeah, well, I could  
19 support, you know, pay parity and things being fair,  
20 but I you want pay parity, you'd have to give up your  
21 union and other benefits."

22 And I was like, this is -- you know,  
23 this is ridiculous. This isn't -- you know, pay  
24 parity doesn't mean that you have to be punished for  
25 being -- or lose something for getting paid the same



Melissa Kaye

Page 89

1 as your male colleagues. So I was -- I rejected that.

2 BY MS. CANFIELD:

3 Q Let me ask you, so --

4 MS. HAGAN: You need to let her finish  
5 her answer.

6 Are you finished with your answer, Dr.  
7 Kaye?

8 THE WITNESS: I just rejected the  
9 concept that correcting my pay parity with Steve  
10 Ciric, who was in the -- who was a union member.

11 BY MS. CANFIELD:

12 Q Did Steve Ciric come over with the CHS  
13 oversight of the court clinics?

14 A No. Steve Ciric -- I'm trying to think. I  
15 believe Steve Ciric resigned -- I'm trying to  
16 remember. I think it was -- it was before the  
17 official takeover. I -- I think it was --

18 MS. HAGAN: If you're not sure, just  
19 say so.

20 THE WITNESS: I think it was around the  
21 end of 2017, beginning of 2018 that Dr. Ciric  
22 resigned.

23 BY MS. CANFIELD:

24 Q Okay. Do you know why he resigned?

25 MS. HAGAN: Objection.

Melissa Kaye

Page 90

1 THE WITNESS: He moved to Buffalo to be  
2 near his wife's family.

3 BY MS. CANFIELD:

4 Q Okay. And do you know who stepped in his  
5 position to oversee the Manhattan Court Clinic?

6 A There was no one formally in the position.  
7 Dr. Jeremy Colley who was, on paper you know anyway,  
8 still in charge of the Bronx and Manhattan Court  
9 Clinics until July 1, 2018. He was acting as the  
10 interim director of the Manhattan Court Clinic in his  
11 capacity as the director of the Division of Forensic  
12 Psychology at Bellevue.

13 Q Okay. Who eventually took over Dr. Ciric's  
14 position as the head of the Manhattan Court Clinic?

15 A CHS hired a new director, Daniel S. Mundy,  
16 M.D. M-U-N-D-Y is the spelling I believe.

17 Q And do you -- was Dr. Mundy a psychiatrist  
18 or a psychologist?

19 A Psychiatrist.

20 Q Psychiatrist? Okay. And do you know if Dr.  
21 Mundy was a member of a Collective Bargaining Unit  
22 when he was hired?

23 A He was part-time psychiatrist evaluator at  
24 the Manhattan Court Clinic under Bellevue. And at  
25 that time, he was a member of the Collective

1 Bargaining Unit.

2 I know that he was made -- he was -- there  
3 were numerous stipulations that were given to him  
4 about taking -- being offered and taking the job as  
5 the director, and one of those was that he would have  
6 to leave the Collective Bargaining Unit.

7 Q Okay. And how do you know this?

8 A He told me.

9 Q Okay. One of the stipulations was leaving  
10 the Collective Bargaining Unit?

11 A Right.

12 Q Okay. Did he indicate that was something he  
13 did not want to do?

14 A He -- he had concerns about it. He wasn't  
15 -- it was an uneasy decision for him. He talked to me  
16 a lot about it.

17 Q What did he say?

18 A He didn't want to -- he didn't want to have  
19 to leave -- he didn't want to have to give up being a  
20 member of the union. He was concerned.

21 Q What were his concerns?

22 MS. HAGAN: Objection.

23 THE WITNESS: Loss of benefits. Loss  
24 of protection.

25 //

1 BY MS. CANFIELD:

2 Q But he eventually agreed to leave the  
3 Collective Bargaining Unit and become what's called a  
4 managerial employee; is that your understanding?

5 MS. HAGAN: Objection.

6 THE WITNESS: I don't know what it's  
7 called, but I know that he agreed to take the job  
8 without being a member of the union.

9 BY MS. CANFIELD:

10 Q Okay. And you as head of the Bronx Court  
11 Clinic, you were able to take the job without giving  
12 up your union benefits; is that correct?

13 MS. HAGAN: Objection.

14 THE WITNESS: Well, what happened was  
15 that when -- when CHS announced the takeover in early  
16 2018, the unions got involved. And my union, Doctors  
17 Council, had multiple meetings with CHS leadership,  
18 including Jonathan Wangel, Elizabeth Ford, Patsy Yang.  
19 And basically said that the doctors from Bellevue --  
20 and I believe this was done in conjunction with I  
21 think it's DC 37 -- that the -- whether they were M.D.  
22 physician doctors or whether they were PhD, PsyD,  
23 psychology doctors, they were going to be rolled over  
24 as-is. Or I know that Dr. Yang decided to give the  
25 psychologists a raise, but that their working

1 conditions weren't going to change. Everything would  
2 stay exactly the same. And that was reiterated again  
3 and again in this agreement and there were certain  
4 other agreements related to a pending retention bonus  
5 that was going to be given to all the physician M.D.  
6 evaluators, which would have been me and I think three  
7 or four part-time male psychiatry physician examiners  
8 at the Manhattan Court Clinic.

9 So there was all this detail worked out  
10 about that, but specifically was that everyone that  
11 was in the Collective Bargaining Unit that was rolling  
12 over in their same positions would stay in the  
13 Collective Bargaining Unit. So that included me.

14 BY MS. CANFIELD:

15 Q Okay. So you were able to stay in the  
16 Collective Bargaining Unit?

17 A Correct.

18 Q Okay. And what are the benefits that you  
19 had in the Collective Bargaining Unit as compared to  
20 someone who's a managerial employee?

21 MS. HAGAN: Objection.

22 To the extent that you know the answer  
23 to that question.

24 BY MS. CANFIELD:

25 Q I would think that you would know because

1     you did not want to give them up. So what were those  
2     benefits?

3           A     Well, the benefits that -- I think the  
4     benefit is that, you know, I think in general,  
5     employees, you know, in unions have a -- have a voice  
6     that is speaking for the collective. And whether that  
7     be negotiating cost of living pay raises or, you know,  
8     trying to buffer or mitigate any kind of managerial  
9     abuse or the ability to have some checks and balances  
10    as far as any kind of changes in -- or disciplinary  
11    actions or any kind of bad behavior on the part of  
12    management, if you have a union, you're possibly in a  
13    better situation than being in a -- in a job that is  
14    at-will and you can be fired without cause. That type  
15    of thing.

16                So given the hostility that was clearly  
17    directed to me, before even the official takeover of  
18    CHS -- of the court clinics -- I was -- I felt that  
19    the offer to ostensibly get a pay raise if I gave up  
20    my union was a ploy to fire me. And I wasn't going to  
21    fall for that.

22           Q     Why did you -- let me ask you a question.  
23    Why did you think that the request to -- if this is a  
24    way that we could raise your pay, why did you see that  
25    as really something disguised as an attempt to fire

1       you?

2                       MS. HAGAN:  Objection as to form of the  
3       question.

4                       You can answer.

5                       THE WITNESS:  Dr. Ford had shown, you  
6       know, to be -- herself to be unsupportive and less  
7       than honest with me in the past.  And there was an  
8       incident where, you know, I had complained or I had  
9       been involved in numerous -- with numerous clinicians  
10      -- physicians and psychologists -- and Dr. Winkler is  
11      a psychologist and an attorney.  Dr. Ciric, Dr.  
12      Colley.

13                      There was this issue about using  
14      redacted records versus unredacted records in  
15      conducting a forensic exam.  And it really wasn't my  
16      issues.  It was, you know, a professional discussion  
17      amongst the senior evaluators and --

18      BY MS. CANFIELD:

19              Q       Right.

20              A       -- that just -- the people I just named.  
21      And, you know, the judges -- some very senior judges  
22      in the Bronx -- Judge John S. Moore, he's a -- he was  
23      a bureau chief under Robert Morgenthau.  Then he  
24      became a -- a Criminal Court judge in the Bronx, and  
25      then a Supreme Court judge.  And he was an institution

Melissa Kaye

Page 96

1 -- like, he -- he ran the sex offender and the youth  
2 part of the courts in the Bronx. And he then  
3 transitioned into being involved in Mental Health  
4 Court.

5 I mean, this was a seasoned, knowledgeable,  
6 experienced judge in the matters of mental health and  
7 criminal law, and the intersection between those two  
8 bodies of knowledge and professional activity. And he  
9 -- you know, he had issued -- and it wasn't just him.  
10 It was Judge Lieb -- Judith Lieb and -- and --

11 Q Dr. Kaye?

12 A Yeah.

13 Q Dr. Kaye, I'm just trying to -- I'm trying  
14 to -- we need to stay on track or we're never going to  
15 get --

16 A I'm sorry.

17 Q -- we're never going to finish.

18 A So --

19 MS. CANFIELD: Can you read the  
20 question back again just --

21 MS. HAGAN: No, no. She needs to  
22 finish her answer.

23 Did you finish your train of thought,  
24 Dr. Kaye?

25 MS. CANFIELD: We're going to have to



Melissa Kaye

Page 97

1       come back if --

2                   THE WITNESS:   I'm sorry.

3                   MS. HAGAN:   What is your answer?

4                   You can't cut her off.   You cannot cut  
5 her off, Ms. Canfield.

6                   THE WITNESS:   I'm sorry.   What is the -  
7 - if you read back the question, I'm sorry, Ms.  
8 Canfield.   I'm going to be succinct, but I feel like  
9 there's a lot of -- there was --

10                   Please read back the question if -- if  
11 --

12                   THE REPORTER:   Just a second.

13                   (The reporter played the record as  
14 requested.)

15                   THE WITNESS:   Thank you.

16                   So the issue of using redacted records  
17 or not using redacted records was a legitimate  
18 professional issue amongst informed professionals --  
19 legal professionals, forensic evaluators who were  
20 professionals in their own rights.   And it wasn't a  
21 personal issue of mine, Dr. Ford --

22                   THE REPORTER:   It wasn't a what, ma'am?

23                   THE WITNESS:   It wasn't a personal --  
24 personal issue of mine.   I mean, certainly I wanted to  
25 do quality work and -- and provide neutral, objective,

Melissa Kaye

Page 98

1 thorough exams and -- and -- and make diagnoses with  
2 -- with professional responsibility, but the courts  
3 were ordering -- you know, it -- it --

4 The courts were ordering unredacted  
5 records. And they -- this was in conjunction -- the  
6 Chief Administrative Judge Torres ended up getting  
7 involved because CHS was defying these court orders  
8 for unredacted medical records. They were just  
9 snubbing the Court and they would just provide  
10 redacted medical records and just make the -- you  
11 know, decide that they would have -- that they didn't  
12 have to answer to the Court. And it was --

13 MS. CANFIELD: Dr. Kaye?

14 MS. HAGAN: Oh, you have to let her  
15 finish.

16 MS. CANFIELD: No, no.

17 BY MS. CANFIELD:

18 Q Dr. Kaye, why -- how did you tie the issue  
19 of your challenge to the redacted records -- how is it  
20 that that led you to believe that you were at risk of  
21 losing your job or that's the motivation behind  
22 wanting to make you a managerial employee?

23 MS. HAGAN: First and foremost --

24 MS. CANFIELD: That's the question.

25 MS. HAGAN: No. You have to let her

Melissa Kaye

Page 99

1 finish the answer that she was in the -- of giving.

2 THE WITNESS: You know, so it was that  
3 issue and it was the issue of just gratuitously having  
4 all criminal -- it was a constitutional issue for the  
5 rights of defendants. And it was -- and, you know,  
6 Patsy Yang and a bunch of very high-ranking people,  
7 including Dr. Ford, basically stormed my office in  
8 January 2018 and were making all of these -- proposing  
9 all of these changes that had constitution -- in my  
10 opinion as a non-lawyer. I mean, this was just my  
11 opinion as a non-lawyer had constitutional issues  
12 regarding the rights of criminal defendants and I was  
13 concerned.

14 I mentioned it at the meeting that  
15 there was a -- you know, my concerns about using --  
16 gratuitously using -- having criminal defendants  
17 signing HIPAA releases pro forma at arraignment was  
18 problematic on many levels. And at that point, I was  
19 threatened. I was openly threatened, and there were  
20 many people in the room.

21 Patsy Yang said to me, "If you don't  
22 like the way we do things, there's the door." And she  
23 gestured to the door. And she said, "We got all the  
24 money. We can hire whoever we want." Just because I  
25 was trying to voice my concerns about the

1 constitutional rights of criminal defendants.

2 And then similarly, with the redacted  
3 record issue, Ford basically felt that I was -- that  
4 was problematic that I had a concern about it, but she  
5 wasn't concerned that Barry Winkler or Steve Ciric or  
6 Jeremy Colley had a concern about it. Just me.

7 BY MS. CANFIELD:

8 Q How do you know that?

9 A Because it was discussed. It -- we were  
10 interacting with her. She worked for CHS at that  
11 point and we were -- we were interacting with CHS  
12 about these medical records via emails, via phone  
13 calls.

14 Q How do you know -- how do you know --  
15 because you said in the deposition of Dr. Winkler, Dr.  
16 Winkler also testified that he objected to the use of  
17 redacted records.

18 How do you know that you are the target when  
19 you say that everyone had the same objections?

20 A Because --

21 Q What leads you to the conclusion that you  
22 alone were singled out?

23 A Because after this meeting when it came up,  
24 it was me who was getting retaliated against.

25 Q Okay. And how were you retaliated against?

1           A     Dr. Winkler got a promotion and I got -- I  
2     started getting excluded and marginalized. I --

3           Q     Okay. Hold on. Hold on. Let's start with  
4     -- Dr. Winkler got a promotion. Okay.

5                     You told me that Dr. Winkler, he was hired  
6     into the Brooklyn medical director, or Brooklyn  
7     director position, right?

8           A     He was hired as --

9           Q     Is that the promotion you're talking about?

10                    MS. HAGAN: Objection. You got to let  
11     her answer the question. You're --

12                    MS. CANFIELD: I'm just trying to move  
13     things along.

14                    MS. HAGAN: Well, she has to answer the  
15     question. You're asking these questions, so let her  
16     answer the question, please.

17                    THE WITNESS: Dr. Winkler was promoted  
18     from deputy director at the Bronx Court Clinic to  
19     director of the Brooklyn Court Clinic. And he got --  
20     that was a promotion.

21     BY MS. CANFIELD:

22           Q     Okay. That is a promotion. Okay. So  
23     because he got a promotion, you believe that -- what?

24           A     Well, I'm just saying I was treated very  
25     differently because then after that meeting when they

1 stormed my office and I was threatened, I -- there was  
2 this -- CHS under Dr. Ford in particular had put  
3 together this so called 730 workgroup where they  
4 wanted to talk about ways to improve the 730  
5 evaluation process and, you know, what the problems  
6 are, how they could be addressed. And I was very into  
7 that. I really wanted to be part of the -- the modern  
8 -- the court clinics and making things better. And I  
9 -- I was all in for that. And --

10 Q And you were invited to participate in that  
11 workgroup, weren't you not?

12 A I was --

13 MS. HAGAN: Objection.

14 THE WITNESS: I was not. I was not. I  
15 specifically -- after that meeting when they -- it was  
16 Bill Hicks, Sarah Gillian [ph], Beth Ward [ph], Jeremy  
17 Colley, LaKeisha Prasad [ph] -- who was our  
18 administrator up there -- Dr. Yang, Dr. Winkler. I --  
19 I don't remember who else was in that meeting. Bill  
20 Hicks. And they were all in that meeting when they  
21 stormed our office. And after that meeting, people  
22 were -- we kind of left my office. We were waiting  
23 for Department of Corrections -- DOC -- to come up and  
24 open our bullpen because they wanted to see where we  
25 did these evaluations. Where we did these forensic

1 evaluations.

2 And I asked Dr. Ford -- she was leaning  
3 against the wall and I said, "I really want to be part  
4 of the 730 workgroup." And so she just like -- she  
5 looks down at the ground -- she shuffles her feet,  
6 looks down at the ground, turns her back on me and  
7 starts trying to get someone else walking passed her  
8 in the hall to talk to her. Just like --

9 BY MS. CANFIELD:

10 Q Weren't you invited to the workgroup?  
11 Didn't Mr. Bloom testify that you were in fact invited  
12 to the workgroup, but that your email address was  
13 wrong and that --

14 A No, that's --

15 MS. HAGAN: Objection. Assumes that  
16 she knows what Mr. Winkler said. And --

17 MS. CANFIELD: I'm talking about Mr.  
18 Bloom, and she attended Mr. Bloom's deposition.

19 MS. HAGAN: Objection.

20 Go ahead.

21 THE WITNESS: May I talk?

22 MS. HAGAN: Yes.

23 THE WITNESS: So those are totally  
24 separate 730 workgroups. Mr. Bloom was talking about  
25 the MOCJ workgroups, which were run and managed by

1 City Hall, which was completely different than this  
2 internal CHS 730 taskforce brainstorming group. I  
3 mean, I don't know if it was -- workgroup my -- you  
4 know, it was this 730, you know, improvement,  
5 strategic taskforce. That's not the official name,  
6 but it was under Dr. Ford and it was only relevant and  
7 focused on CHS. And the only people invited were  
8 people that either worked for CHS or were going to  
9 work for CHS. And Dr. Winkler was invited and  
10 attended, and I was excluded.

11 BY MS. CANFIELD:

12 Q Okay. So it's your testimony that you never  
13 received an invitation either from Dr. Ford or Dr.  
14 Colley to join a 730 workgroup?

15 MS. HAGAN: Objection. She didn't say  
16 she didn't receive an invitation from Dr. Colley or  
17 Dr. Ford. She said she didn't receive an invitation  
18 from Dr. Ford's strategic taskforce.

19 THE WITNESS: I -- I -- I don't know if  
20 the name of it was strategic taskforce. She had this  
21 -- this internal CHS workgroup which was separate and  
22 distinct from the MOCJ ongoing workgroup that had been  
23 going on and on -- on and on, off and on for years --  
24 years. But that was a separate -- that was a separate  
25 agenda, separate issues and it was initiated by a



1 separate agency.

2 I am testifying that I specifically  
3 asked to join that group and I was -- I was shunned.  
4 I mean, she literally refused to answer me and turned  
5 her back on me.

6 So, you know, and it -- and it was --  
7 you know, and I had -- had the history where I knew  
8 she had lied to me about trying to do something about  
9 my pay disparity when she was -- when I reported  
10 directly to her at Bellevue. I knew how she was. I  
11 knew she was -- she had queen bee tendencies and I  
12 knew she was, you know, not including me in this  
13 workgroup even though I was the most senior and  
14 experienced forensic evaluator in New York City, and I  
15 wanted to participate.

16 BY MS. CANFIELD:

17 Q All right. Let me show you this document.

18 MS. CANFIELD: And, Ms. Hagan, I am  
19 going to email it to you right now.

20 MS. HAGAN: I'm going to need an  
21 opportunity to look at the document.

22 THE REPORTER: Please repeat what you  
23 said, Ms. Hagan.

24 MS. HAGAN: I said I'm going to need an  
25 opportunity to look at the document before Dr. Kaye

Melissa Kaye

Page 106

1 has an opportunity to respond.

2 Thank you. I'm sorry.

3 MS. CANFIELD: That's fine. Whatever  
4 you need to do.

5 MS. HAGAN: Mm-hmm.

6 THE REPORTER: And if you could please  
7 email it to me as well.

8 MS. CANFIELD: I will.

9 MS. HAGAN: I guess we'll need a break  
10 so we can read it.

11 MS. CANFIELD: No, no. We don't need a  
12 break.

13 MS. HAGAN: Mm-hmm. Because I still  
14 haven't had it -- I still don't have it.

15 MS. CANFIELD: You will have it. You  
16 don't need a break though.

17 MS. HAGAN: Mm-hmm.

18 BY MS. CANFIELD:

19 Q All right, Dr. Kaye. I'm going to show you  
20 this email.

21 MS. HAGAN: Wait a second. I'd like to  
22 look at it first.

23 MS. CANFIELD: We can look at it at the  
24 same time. That's what we did when I was -- when I  
25 was defending depositions.

Melissa Kaye

Page 107

1 MS. HAGAN: -- exact document that you  
2 just emailed me --

3 THE REPORTER: I'm sorry.

4 MS. CANFIELD: This is the exact --

5 THE REPORTER: Repeat what you said,  
6 Ms. Hagan. And try not to talk at the same time. I'm  
7 sorry.

8 MS. HAGAN: I'm trying to -- first off,  
9 I'm not even sure how this happened. I'm trying to  
10 look at the email that Ms. Canfield sent. Then now it  
11 seems like my entire screen has been taken over by  
12 this Zoom thing. I don't know.

13 MS. CANFIELD: It's the same document  
14 and I was able to navigate between my hardcopies that  
15 were sent to me and the Zoom, so you should be able to  
16 do that, too.

17 MS. HAGAN: I'm looking --

18 MS. CANFIELD: Maybe just minimize the  
19 Zoom?

20 MS. HAGAN: I'm trying to do that.

21 MS. CANFIELD: All right.

22 BY MS. CANFIELD:

23 Q Dr. Kaye, if you could just take a look at  
24 this. This document identified by the Bates stamp  
25 numbers NYC\_000053.

1 MS. HAGAN: And what exhibit is this,  
2 Ms. Canfield? Because you sent an Exhibit A, which  
3 was the Amended Complaint. Is this Exhibit A or  
4 Exhibit B?

5 MS. CANFIELD: This will be Exhibit A.  
6 (Exhibit A was marked for  
7 identification.)

8 MS. HAGAN: And Exhibit A, for purposes  
9 of the record, is NYC 53? And was this produced when?

10 MS. CANFIELD: This was produced a year  
11 ago.

12 For purposes of the record, beginning  
13 at the very beginning of the thread, it's an email  
14 from Elizabeth Ford to Jeremy Colley asking evaluators  
15 from the Bronx clinic and one to two psychiatrists  
16 from the Manhattan clinic who will be able to -- able  
17 willing to participate in a workgroup to think about a  
18 standardized clinical approach to the exams. That's  
19 dated January 18, 2018.

20 BY MS. CANFIELD:

21 Q Do you see that, Dr. Kaye?

22 A I do.

23 Q Okay. And do you see where Dr. Colley  
24 forwards this email to Dr. Harper, Dr. Solanki, Dr.  
25 Mundy, Dr. Weiss, yourself and Dr. Winkler?

Melissa Kaye

Page 109

1           A     Yes.

2           Q     It says, "See below - let me know if you're  
3 interested"?

4           A     Yes.

5           Q     Dr. Mundy responds and says, "Certainly  
6 interested. Please keep me in the loop." Then you  
7 also respond and say, "Let me know dates and I'll try  
8 to work it in."

9           A     Mm-hmm.

10          Q     Do you recall receiving and sending this  
11 email?

12          A     I don't recall.

13          Q     Okay. So it does appear that you were in  
14 fact invited to participate in the workgroup.

15               MS. HAGAN: And for purposes of the  
16 record, I'd like to note that there are question marks  
17 before the text in at least two of the emails. The  
18 email from Dr. Mundy, there's a question mark that  
19 says "?Certainly interested, please keep me in the  
20 loop." And then from Dr. Kaye's alleged response,  
21 there's a question mark, "?Let me know dates, and I'll  
22 try to work it in." Just for purposes of the record.

23               MS. CANFIELD: That's fine. I can see  
24 that those question marks are there. I don't know why  
25 they are, but they appear in a number of emails. It's

1 the way that the emails were collected. And if there  
2 are quotations there, that's -- I don't know.

3 MS. HAGAN: Mm-hmm.

4 MS. CANFIELD: Okay.

5 BY MS. CANFIELD:

6 Q Okay. So the fact that you were not -- you  
7 didn't believe that you were invited to the workgroup  
8 caused you to believe that you were on the chopping  
9 block, I guess so to speak, when you were offered a  
10 managerial title. But as I just showed you, you were  
11 in fact invited to the workgroup.

12 MS. HAGAN: Objection.

13 BY MS. CANFIELD:

14 Q What other reasons do you believe that you  
15 were --

16 MS. HAGAN: Objection.

17 MS. CANFIELD: You can object. I can  
18 still ask her my question.

19 MS. HAGAN: And then you're inserting  
20 facts that are not -- that she didn't testify to in  
21 your question.

22 MS. CANFIELD: She just testified that  
23 she saw that email. The document speaks for itself.

24 MS. HAGAN: She said she wasn't sure if  
25 she saw it.

1 MS. CANFIELD: Okay. You can make your  
2 argument in opposition to our motion for summary  
3 judgment.

4 MS. HAGAN: Mm-hmm.

5 BY MS. CANFIELD:

6 Q What other reasons --

7 A Well --

8 Q -- do you believe that you were being  
9 targeted for termination by the fact that you were  
10 being offered a managerial title?

11 A Okay.

12 MS. HAGAN: Objection.

13 THE WITNESS: So Dr. Ford did not send  
14 me that email. Dr. Colley sent me that email.

15 BY MS. CANFIELD:

16 Q As well as the other --

17 A Yes.

18 Q -- psychologists and psychiatrists, correct?

19 A Dr. Colley forwarded that email that was  
20 sent to him. So I -- that email came from not Dr.  
21 Ford. Dr. -- Dr. Colley. And I then shortly  
22 thereafter specifically asked her when they came up to  
23 the Bronx to inform us they were taking us over. And  
24 I asked her specifically to be part of the group and  
25 she shunned me. And that was on the heels of Dr. Yang

1 threatening to fire me. So --

2 Q Okay.

3 A -- that was -- I'm sorry.

4 Q Did you ever follow-up in writing to Dr.  
5 Ford about participating -- or Dr. Colley about  
6 participating in the 730 workgroup --

7 A I don't --

8 Q -- after receiving this email?

9 A I -- I don't recall. I don't even -- I  
10 mean, I wrote what is said there, but I don't recall  
11 every email I sent in 2018.

12 If you could refresh my memory, I would be  
13 able to know that.

14 Q Okay. Okay. With respect to the pay equity  
15 issue, is it your belief that after the transition to  
16 CHS, that you remained to be paid less than your male  
17 comparators?

18 A My male comparator was Steve Ciric. That's  
19 who was my male comparator when I discovered the pay  
20 discrepancy. That's who was the male comparator when  
21 I asked for it to be corrected, both informally or --  
22 you know, internally I should say, at Bellevue when I  
23 asked Dr. Ford and -- and -- and Dr. Colley to address  
24 it. And then again, when I went to Dr. Yang and it  
25 was sent to Dr. Hicks. And then when I filed an EEOC



1 complaint, it -- it was about my lack of pay parity  
2 with Steve Ciric.

3 Now when my salary is assessed, it's -- it  
4 can -- you can -- it can be misrepresented unless one  
5 considers that because of my longevity pay, because I  
6 was hired by HHC in 1999 and I had a significant  
7 amount of longevity pay, that could be construed as  
8 part of my base salary, which it is not. And I was  
9 talking about a pay discrepancy and title discrepancy  
10 relative to my base salary, not having my longevity --  
11 my earned longevity pay because I had been a  
12 longstanding public servant to be folded into my base  
13 salary and then have that number being used to compare  
14 me to other people. That wasn't fair because that was  
15 not -- that was not the issue.

16 The issue was my base salary was lower and  
17 my title was lower. And if I did happen to be at  
18 Health and Hospitals for 20 years and I had longevity  
19 pay, I don't feel like the longevity pay, which was  
20 earned separate from -- it would have been the same if  
21 I was a physician specialist or anything else. My  
22 longevity pay should not have been folded in to be  
23 considered as part of my base salary, to then deny me  
24 equal pay or to say that I was already getting equal  
25 pay, because with my longevity pay, that brought me up

1 to a more comparable pay equity.

2 Q Okay. So let's go through this. You  
3 already testified that Dr. Mundy was hired to oversee  
4 the Manhattan Court Clinics, correct?

5 A Correct.

6 Q Okay. And we already established that Dr.  
7 Winkler -- are you taking notes, Dr. Kaye?

8 A No, I'm not.

9 Q That Dr. Winkler was hired to oversee the  
10 Brooklyn Court Clinic, correct?

11 A Correct.

12 Q You were overseeing the Bronx Court Clinic,  
13 correct?

14 A Correct.

15 Q Okay. And who was overseeing the Queens  
16 Court Clinic?

17 THE WITNESS: Ow. Sorry. That's what  
18 I'm doing. I'm dealing with this cat.

19 A It was Elizabeth Owen.

20 Q Okay. Okay. And then Dr. Winkler also  
21 oversaw the Staten Island court clinics; is that  
22 correct?

23 A Staten Island Court Clinic was under --  
24 well, there was no -- no, that's not correct. No.  
25 There was no -- there is no Staten Island Court

1 Clinic.

2 Q Okay. Okay. Now do you believe that -- and  
3 Dr. Mundy is a psychologist or a psychiatrist?

4 A Psychiatrist.

5 Q And do you believe that he was compensated  
6 more than you at the time that you were head of the  
7 Bronx Court Clinic?

8 A I believe that -- yes, I believe that my  
9 longevity pay and my retention bonus were included in  
10 my base salary to compare me to Dr. Mundy to make it  
11 look like we had comparable salaries when we did not.

12 Q Okay. And when you were offered a  
13 managerial position, were you told how much you would  
14 be compensated?

15 A No details were offered. It was a nebulous  
16 email I got from Dr. Ford.

17 Q Okay.

18 A Basically telling me she would consider --  
19 she would consider, you know, looking into pay parity  
20 if I got out of the union -- union and gave up  
21 benefits.

22 Q Okay. Did anyone else suggest that you take  
23 on a managerial title in relation to the pay parity  
24 issue of which you were complaining?

25 A No. That was the only communication I had

Melissa Kaye

Page 116

1 at all about the situation.

2 Q Okay.

3 A -- talked to me about it.

4 Q Okay.

5 THE REPORTER: I'm sorry. Repeat what  
6 you said after "situation."

7 THE WITNESS: No one else talked to me  
8 about it.

9 THE REPORTER: Thank you.

10 BY MS. CANFIELD:

11 Q When you spoke or emailed Dr. Yang, did you  
12 raise the issue of becoming a managerial employee with  
13 her?

14 THE WITNESS: Sorry, I have to -- this  
15 cat is chewing a wire. Sorry.

16 MS. HAGAN: I'm sorry.

17 THE WITNESS: I apologize.

18 MS. CANFIELD: Do you mind reading back  
19 the question, please?

20 THE REPORTER: Just a moment.

21 (The reporter read the record as  
22 requested.)

23 THE WITNESS: No.

24 BY MS. CANFIELD:

25 Q Why not?

Melissa Kaye

Page 117

1 MS. HAGAN: Objection.

2 THE WITNESS: For the reasons I've  
3 discussed previously.

4 BY MS. CANFIELD:

5 Q That you were interested in becoming a  
6 managerial employee?

7 A No, that I was not. I wanted to be  
8 comparable to my male comparator, which was Steve  
9 Ciric, and I wanted to continue to be in the  
10 Collective Bargaining Agreement.

11 Q Okay. If a managerial position had been  
12 offered to you, would you have taken it?

13 MS. HAGAN: Objection. It's a  
14 hypothetical. It wasn't offered to her.

15 THE REPORTER: Please repeat what you  
16 said, Ms. Hagan.

17 MS. HAGAN: I said objection. It's a  
18 hypothetical. It was not offered to her.

19 MS. CANFIELD: You're testifying.

20 THE WITNESS: I was not talked to about  
21 any negotiations. This issue was never followed up  
22 with anybody other than that one vague email from Dr.  
23 Ford.

24 I can't say what I would have agreed to  
25 or not agreed to, but Dr. Yang didn't speak to me.

1 Mr. Hicks didn't speak to me. I got that nebulous  
2 email from Dr. Ford that said there would have to be a  
3 quid pro quo and I would have to give up something to  
4 get pay parity -- i.e. give up my union in order to  
5 have comparable pay. And no --

6 BY MS. CANFIELD:

7 Q So Dr. Yang did follow-up with you and said  
8 that -- did have a conversation with you about  
9 becoming a managerial employee?

10 A No.

11 MS. HAGAN: Objection. Testifying.  
12 That's not what she said.

13 THE WITNESS: That's false. Dr. Yang  
14 never spoke to me about it. Never. No one ever spoke  
15 to me in person or on the phone about it, ever.

16 And Dr. Yang told me that she was going  
17 to forward my concerns to Bill Hicks at -- she didn't  
18 tell me because I never spoke to her, but she sent me  
19 an email that said she was going to forward my  
20 concerns to Bill Hicks at Bellevue and that he would  
21 get back to me. And he did send a -- an email to me  
22 that he would look into it and get back to me and  
23 never did.

24 And that is why --

25 MS. CANFIELD: Okay.

Melissa Kaye

Page 119

1 MS. HAGAN: Would you let her finish?

2 THE WITNESS: That is why I chose to go  
3 to the EEOC because I could tell very clearly that it  
4 wasn't being taken seriously and I was getting the  
5 runaround.

6 BY MS. CANFIELD:

7 Q Okay. But the complaint about Steve Ciric,  
8 there was something about pay in the past. That was  
9 backpay issue. I'm talking about going forward from  
10 the time that you transitioned over to CHS. When Dr.  
11 Mundy, Dr. Winkler, Dr. Kaye and Dr. Owen were ahead  
12 of the court clinics.

13 MS. HAGAN: Objection as to the form.  
14 And it's --

15 MS. CANFIELD: I haven't even finished  
16 my question.

17 MS. HAGAN: Oh.

18 BY MS. CANFIELD:

19 Q I'm talking about the time after the  
20 transition over to CHS.

21 MS. HAGAN: If you understand the  
22 question.

23 THE WITNESS: I need -- I need you to  
24 re-ask the question, please.

25 //

1 BY MS. CANFIELD:

2 Q The complaint that you made to Dr. Yang,  
3 that concerned your pay as compared to Steve Ciric,  
4 correct?

5 A It concerned a pay parity issue that I had  
6 at HHC that had never been satisfactory -- it had  
7 never been resolved in a satisfactory manner.

8 Q Right. And you testified earlier that the  
9 comparator was Dr. Ciric; is that correct?

10 A Yes.

11 Q Okay. But you also testified that Dr. Ciric  
12 resigned. So he was no longer being paid more than  
13 you going forward from the date that he resigned;  
14 isn't that correct?

15 MS. HAGAN: Objection.

16 THE WITNESS: My complaint was that  
17 throughout my 20 years at HHC, I was paid less than my  
18 male comparator, that -- that affects my pension.  
19 That affected my day-to-day life as far as, you know,  
20 what my income was, and that my understanding -- and  
21 I'm not a lawyer, so I'm not speaking about this as a  
22 lawyer -- but my understanding is that, you know, if  
23 someone is paid less for the same job based on sex,  
24 which I was, that that needs to be corrected by the  
25 institution. And HHC needed to correct that and the



1 correction is retroactive. It's a six-year  
2 retroactive correction with triple damages. So that's  
3 my understanding when I read on Google what -- what it  
4 was. It wasn't about, oh, if you make a pay  
5 complaint, that that means you're going to be -- that  
6 means that whatever happened in the past doesn't  
7 matter anymore. It matters the most because that's  
8 what the pay complaint was based on. It wasn't based  
9 on the future or the present, it was based on what had  
10 happened to me and what I'd been complaining about  
11 since 2014.

12 MS. CANFIELD: Okay. All right. We're  
13 going to shift off this topic for a while. We're  
14 going to get through some other topics just briefly  
15 and then we'll take a lunch break, if that's okay with  
16 everyone.

17 That works? Okay.

18 THE WITNESS: Yeah. I would like to  
19 request, if it's okay, that maybe just 30 minutes so  
20 we can try not to go overtime.

21 MS. CANFIELD: That's fine. That's  
22 fine. And if we -- I will do my best to ask all of  
23 the questions that I have. If for some reason we need  
24 to go beyond 6:00, we'll just have to schedule another  
25 time to bring you back.

Melissa Kaye

Page 122

1 THE WITNESS: I can go beyond 6:00, but  
2 I will need a break to arrange for childcare --

3 MS. CANFIELD: Okay.

4 THE WITNESS: -- pick-up kind of  
5 situation.

6 THE REPORTER: Repeat what you said  
7 after "pick-up."

8 THE WITNESS: I will need to arrange  
9 for a childcare pick-up-kind of situation if we go  
10 beyond 6:00. And I'll need a little break to do that  
11 if it looks like we're --

12 And some lead time would be better.

13 MS. CANFIELD: Okay. That's fine.

14 MS. HAGAN: Can we figure out how much  
15 time we've consumed so far? Just for the record.

16 MS. CANFIELD: Why don't we do that  
17 during our break instead of now, because we've only  
18 been going since 10:00 and we took two -- three five-  
19 minute breaks, so --

20 MS. HAGAN: So that would be two hours  
21 and thirty minutes.

22 MS. CANFIELD: Yeah.

23 MS. HAGAN: Two hours and thirty-three  
24 minutes then.

25 MS. CANFIELD: Let's just -- if you

Melissa Kaye

Page 123

1 could calculate the time during lunch, that'd be  
2 great.

3 All right. Let's just move forward so  
4 that we do get through all this today.

5 MS. HAGAN: Mm-hmm.

6 BY MS. CANFIELD:

7 Q Dr. Kaye, are you currently employed?

8 A No.

9 Q Have you been employed at any point during  
10 this year? And I'm talking about 2021.

11 A Yes.

12 Q And where were you working?

13 A I was doing per diem work at Gracie Square  
14 Hospital in New York City.

15 Q And when did you stop doing that work?

16 A First -- I think the first or second week of  
17 August.

18 Q And how long had you been employed at Gracie  
19 Square?

20 A I had -- I've had admitting privileges at  
21 Gracie Square on and off since 1996. And I worked  
22 there in different capacities.

23 Q Okay. Let's go through those capacities.

24 When you started in 1996, what was your  
25 capacity at Gracie Square?

1           A     I was a voluntary attending and I did  
2 attending coverage.

3           Q     Okay. And how long did you do that?

4           A     I did that on and off until around 2004.

5           Q     Okay. And did your role change at Gracie  
6 Square in 2004?

7           A     My role didn't change. I just stopped  
8 wanting to work on the weekends and stopped -- and so  
9 I -- I stopped doing the voluntary attending coverage  
10 for a while. So I just -- it was per diem work. I  
11 just decided that -- I just stopped doing it for a  
12 while.

13          Q     Okay. And did you resume that work at any  
14 point?

15          A     In 2010, I went back. It was around 2010 I  
16 think, I went back and I started doing some overnight  
17 moonlighting shifts. And I also then at some point  
18 started doing the weekend attending coverage  
19 sometimes. Periodically.

20          Q     What were your job responsibilities as a  
21 voluntary attending?

22          A     A voluntary attending?

23          Q     Yeah, attending.

24          A     I would go see the patient and talk to the  
25 staff and review the chart, and address any medical

1 issues pertaining to the psychiatric treatment and  
2 write a note.

3 Q Okay.

4 THE REPORTER: Did you say "write a  
5 note"?

6 THE WITNESS: Write a note in the  
7 chart.

8 BY MS. CANFIELD:

9 Q Was that consistent between 1996 and 2004  
10 when you were performing that work as a voluntary  
11 attending?

12 A I was a volunteer attending, and that just  
13 meant that they didn't pay me. I didn't get a salary,  
14 but I had admitting privileges and my privilege is at  
15 the hospital to work there, to going there and see  
16 patients and treat patients. That's all that meant.  
17 And I was unpaid, but I was the medical staff.

18 And yeah, the coverage for -- the coverage  
19 for these patients was always the same thing. I would  
20 see the -- round on the patient, address the issues,  
21 write a note.

22 Q And what was the advantage of performing  
23 that work when you weren't being paid?

24 MS. HAGAN: Objection as to form.

25 THE WITNESS: I -- I was covering for

1 other attendings, and so I would get paid for the  
2 services that I rendered for those patients.

3 BY MS. CANFIELD:

4 Q Okay. So you were getting paid? It was not  
5 a total -- it was --

6 A I was not getting paid by Gracie Square  
7 Hospital.

8 Q So who was paying you?

9 A Whatever insurance the patients had.

10 Q Okay. And when you went back in 2010 --

11 A Well, let me just clarify. I was getting  
12 paid -- I -- in order to be the volunteer attending, I  
13 would -- I -- I was -- a billing service was doing the  
14 billing through the primary volunteer attending's  
15 practice. So I wasn't really involved in that. And  
16 then I would get paid based on what they collected  
17 from insurance, from the billing. But I wasn't -- I  
18 was not directly billing the insurance company. I was  
19 involved in like a -- as part of -- like, I would work  
20 for the PC -- the professional corporation of the  
21 attendings who wanted coverage.

22 Q Okay. What was the name of that  
23 professional corporation? Do you remember?

24 A There's been many over the years.

25 MS. HAGAN: If you don't know, then --

Melissa Kaye

Page 127

1 THE WITNESS: Yeah. I don't know. I  
2 think it was called Yorkville PC or something. And  
3 then there was one that was Medical Healthcare. I  
4 mean, I don't remember --

5 BY MS. CANFIELD:

6 Q Okay.

7 A -- what they called their PCs. I just --

8 Q Okay. And then when you went back in 2010,  
9 you said that you were moonlighting overnight shifts  
10 as a weekend attending. Were your job  
11 responsibilities the same?

12 A It wasn't quite the same as being --

13 MS. HAGAN: Objection. It assumes  
14 facts that she didn't testify to. She didn't say that  
15 she was moonlighting overnight shifts. She didn't  
16 testify to any of that.

17 MS. CANFIELD: She did, but go ahead.

18 THE WITNESS: I -- when I did -- it was  
19 like I was the house doctor. So I would do  
20 admissions. I would take care of all the psychiatric  
21 emergencies that would come up throughout the -- the  
22 shift. And I would renew medications, review charts  
23 to, you know, see if medications were expiring and if  
24 they should be renewed or changed. I would deal with  
25 issues that would come up in the units with patients

1 or, you know, questions with staff. I would, of  
2 course, document everything in the chart. And  
3 sometimes when patients had to be sent out, I would,  
4 like, have to talk to doctors or nurses in emergency  
5 rooms where the patients were about what happened or  
6 what was going to happen.

7 And, you know, so it was -- it was --  
8 Gracie Square was across the street from where I  
9 lived, so sometimes they would, you know -- I would  
10 just go over there and help out when they needed me,  
11 if I could. And it might not have been a specific  
12 moonlighting shift. Like, if they had 23 admissions  
13 or something like that, sometimes they would ask me if  
14 I could come help.

15 BY MS. CANFIELD:

16 Q Okay. Approximately how many hours -- if  
17 you could estimate, how many hours would you work  
18 there per week?

19 A Wow, that's very variable. Are you saying  
20 during the attending coverage or during the house  
21 doctor overnight shifts, or some kind of combination  
22 thereof?

23 Q A combination.

24 A It was very variable and it was contingent  
25 on childcare and other issues if -- going on. But I



1 don't know. Maybe it could be 12 hours or, you know,  
2 if I -- if I happen to do a 24-hour shift of being a  
3 house doctor, I mean, it could be 24 hours, but I was  
4 allowed to work, you know -- stay at home because I  
5 lived across the street and even the call room wasn't  
6 in the hospital. It was down the street.

7 So I don't know. There were times where I  
8 took 24-hour shifts on -- on Saturday or Sunday.

9 Q Okay. And when did you stop -- you said  
10 that you stopped the second week -- the first or  
11 second week of August working at Gracie Square. I'm  
12 assuming you mean this year, 2021?

13 A Yeah. I stopped doing the overnight shifts  
14 I think in 2014 or so. And I then did the per diem.  
15 I was a per diem -- so the other thing that I started  
16 -- they started hiring me in a bit of a different  
17 capacity. Instead of just doing attending coverage  
18 and rounding on patients -- private patients, they had  
19 transitioned their care model in I think it was 2014.  
20 And private attending psychiatrists who were admitting  
21 patients to Gracie were no longer -- like, they  
22 weren't doing that model where private attending  
23 psychiatrists would have their own patients and follow  
24 their own patients. They -- they got more closely  
25 affiliated with NYP and they started having full-time,

1       salaried attendings. And then --

2           Q       I'm sorry. Did you say NYPD?

3           A       NYP Hospital.

4           Q       Oh, NYP? Okay.

5           A       New York Presbyterian Hospital.

6           Q       Okay. Right.

7           A       And so they no longer had that attending  
8       where the attendings would come in and round on their  
9       patients and then, you know, go to their private  
10      offices.

11                  They -- they never had, like, salaried  
12      attendings there with a patient load. And they  
13      switched to that model.

14                  I never worked as a salaried employee, but I  
15      did work this summer in that model as a per diem  
16      attending. So I was a per diem attending at Gracie --  
17      at Gracie Square.

18           Q       Okay. Beginning in 2014?

19           A       Yeah. Maybe off and on as I -- I don't know  
20      when they -- there was a phaseout with the private  
21      attendings. And as they pulled in more salaried  
22      doctors and phased out the private attendings, I'm not  
23      so sure -- I think that took a couple years. So I  
24      don't know that it was, like, 2014 that the private  
25      attending coverage in the previous incarnation had

1       been phased out. I don't think it was. It took -- it  
2       took a while.

3               But to the point of your question, this  
4       summer I was doing attending coverage. I had a  
5       caseload and I took care of that caseload. And I -- I  
6       worked along with the other clinical staff in -- in  
7       caring for the patients.

8               Q       And approximately how many hours were you  
9       working over the summer in 2021?

10              A       Well, I was getting paid for a full day of  
11       work. I did have reasonable accommodations. I  
12       stopped working in the middle of the summer after my  
13       surgery. And then I came back with reasonable  
14       accommodations.

15              So I was getting paid for a full day, but I  
16       wasn't carrying a full -- I couldn't carry a full  
17       caseload because of the surgery. I couldn't -- I  
18       couldn't type and use my right arm, so I was, you  
19       know, typing with my left pointer finger and  
20       everything is electronic. The medical record and  
21       every -- sending emails and everything. So I was  
22       very, very slow in being able to get the -- the  
23       charting and other stuff done. So they cut my hours  
24       in half.

25              Q       So approximately how many hours did you have

1       this summer? You said you were working pretty much  
2       full-time until your surgery?

3           A       I mean, I wouldn't -- they didn't cut my  
4       hours in half. They cut my patient load in half and  
5       they just -- they were letting -- they said I could  
6       work from home. I just went over and I saw the  
7       patients and I would go over. And if there was a  
8       family meeting or a Zoom meeting out -- outside the  
9       agency, you know, an outpatient clinic or something,  
10      or an -- team or something like that, I would go over,  
11      but I wasn't carrying a full load after my surgery.

12          Q       Okay. What about in 2020, were you working  
13      at Gracie Mansion? I mean Gracie Square. Sorry.  
14      Gracie Square.

15          A       Yeah. No.

16          Q       Gracie Square. Sorry.

17          A       That's okay. I think I might have done a  
18      little coverage at times. I -- I don't know.

19          Q       Okay. What about 2019?

20          A       Wait, 20 -- okay. Hold on. I'm sorry. Let  
21      me just get -- let me -- I have to orient myself, so  
22      please, let me just -- okay. 2020, pandemic. So,  
23      pre-pandemic, after I felt I had to resign from my  
24      job, which I didn't really want to do, but I resigned  
25      in January 2020. And then I worked a little bit at

1 Gracie -- Gracie Square Hospital. And then -- in  
2 2020. And then the pandemic hit and they had to --  
3 NYP -- New York Presbyterian Hospital has a bunch of  
4 -- had other psychiatric hospitals like Brookdale and  
5 I think Methodist and maybe -- I don't know. They had  
6 some -- they converted all their outer borough  
7 psychiatric facilities to medical facilities because  
8 of the pandemic. And all of those salaried doctors  
9 came over to Gracie -- were sent over to Gracie, and  
10 Gracie decreased their census from about 150 to about  
11 60 because of the need for social distancing.

12 So they had a surplus of doctors and a --  
13 and a paucity of patients and they didn't need me. So  
14 that was --

15 Q Okay.

16 A And I no longer had per diem options there,  
17 so I just -- I think I worked there in 2020 -- in  
18 February and the beginning of March before everything  
19 happened.

20 Q Okay. What about 2019? Were you at Gracie  
21 Square in 2019?

22 THE REPORTER: Please ask the question  
23 again. Sorry.

24 BY MS. CANFIELD:

25 Q Were you working in any capacity at Gracie

1 Square in 2019?

2 A Yes.

3 MS. HAGAN: Objection to form.

4 BY MS. CANFIELD:

5 Q Okay. And approximately how many hours were  
6 you working at Gracie Square in 2019?

7 MS. HAGAN: Objection.

8 THE WITNESS: I -- I can't recall. I  
9 --I don't know.

10 BY MS. CANFIELD:

11 Q But you were performing some work there?

12 A I was working there on and off, yeah.

13 Q Okay. What about 2018? Were you also  
14 performing work at Gracie Square Hospital?

15 A On and off, yes.

16 MS. HAGAN: Objection.

17 BY MS. CANFIELD:

18 Q Okay. And what about 2017? Were you  
19 performing work at Gracie Square Hospital in 2017?

20 A Yes.

21 MS. HAGAN: Objection.

22 BY MS. CANFIELD:

23 Q Okay. And how about 2016 -- were you  
24 performing work at Gracie Hospital?

25 MS. HAGAN: Objection as to form.

Melissa Kaye

Page 135

1 THE WITNESS: I'm -- I'm guessing that  
2 I -- since 2010, I would have these gaps of time where  
3 I wouldn't work there, and then I would work there.

4 So since I went back and renewed my  
5 medical admitting privileges in 2010, I worked there  
6 on and off.

7 BY MS. CANFIELD:

8 Q Okay. And you said that you were paid by a  
9 professional corporation and you gave two names, and  
10 you said sometimes the names change. Did that  
11 continue from 2014 up to 2021, that you were paid  
12 through insurance billing?

13 A No.

14 MS. HAGAN: Objection as to form.

15 You can answer if you understand the  
16 question.

17 THE WITNESS: No.

18 BY MS. CANFIELD:

19 Q Okay. So who paid you in 2021?

20 MS. HAGAN: Objection.

21 THE WITNESS: So as I said, that  
22 private practice model was phased out over a couple of  
23 years. And then during that same time, they were kind  
24 of phasing in the same model, but it was through NYP.

25 So NYP -- well, it was really Gracie

1 Square, but the parent company is NYP -- started  
2 paying me in a comparable-kind of way, similarly to  
3 the way I was getting paid by those PCs.

4 BY MS. CANFIELD:

5 Q Okay.

6 A That Gracie -- instead of the private  
7 attending calling me up and saying, "Hey, can you  
8 cover my patients this weekend?" The chief medical  
9 officer of Gracie, or her, you know -- or her chief  
10 administrative assistant would call me up or text me  
11 or whatever -- contact me and say, "Can you cover?"  
12 And that kind of shifted over.

13 So I started -- instead of covering for the  
14 private attendings, I started covering for NYP, but it  
15 was comparable work. And the pay was coming then from  
16 NYP.

17 Well, when I say NYP, it's just because  
18 that's who kind of owns and runs Gracie. But I think  
19 that the pay came from Gracie, but it was processed  
20 through NYP.

21 Q Okay. All right. I'm going to call for the  
22 production of your paycheck slips or however way you  
23 were paid in 2021. I know that you haven't received a  
24 1099 or any type of tax document yet, but whatever you  
25 have, I call for that production.



1 And in 20 --

2 MS. HAGAN: I will take that under  
3 advisement and in writing, Counselor.

4 BY MS. CANFIELD:

5 Q What about in 2020? Did you receive a 1099  
6 for your work at Gracie Square in 2020?

7 MS. HAGAN: Objection.

8 THE WITNESS: Yeah. I worked there  
9 before the pandemic, so yeah.

10 BY MS. CANFIELD:

11 Q Okay. So I would like a copy of any 1099  
12 that you received from Gracie Square in 2020.

13 MS. HAGAN: We'll take that under  
14 advisement. Please put that in writing.

15 MS. CANFIELD: I've already requested  
16 it as part of discovery, but I will follow-up in  
17 writing.

18 MS. HAGAN: Mm-hmm.

19 BY MS. CANFIELD:

20 Q And then for years 2019, 2018, 2017 and  
21 2016, did you receive 1099s for your work at Gracie  
22 Square?

23 MS. HAGAN: Objection. Take --

24 THE REPORTER: What did you say, Ms.  
25 Hagan?

1 MS. HAGAN: Strike the latter part.  
2 Objection.

3 MS. CANFIELD: You can't strike my  
4 question.

5 MS. HAGAN: No. I said strike the  
6 latter part of my --

7 MS. CANFIELD: Oh, of your objection.  
8 Okay. Okay.

9 THE WITNESS: I'm sorry. Can you  
10 repeat your question?

11 BY MS. CANFIELD:

12 Q I wanted to know for the years 2019 back to  
13 2016, if you received a 1099 from Gracie Square or  
14 from these billing corporations?

15 A I -- I likely did and I also would like to  
16 clarify that when I was a moonlighter, what I call the  
17 house doctor and did those overnight shifts, even if  
18 they were just a 12-hour dayshift on the weekend or  
19 whatever. When I did those house doctor shifts, that  
20 was paid on a W-2.

21 Q Okay. All right. Thank you for that  
22 clarification. So I am calling for the production of  
23 all evidence of compensation that you received through  
24 your work at Gracie Square. Whether that's a 1099 or  
25 a W-2 for the years 2015 to 2021.

Melissa Kaye

Page 139

1 MS. HAGAN: Objection. I mean, not  
2 objection. I'm sorry. We'll take that under  
3 advisement. Please be sure to follow-up in writing.  
4 BY MS. CANFIELD:

5 Q Other than employment at Gracie Square  
6 Hospital, were you employed any place else this year  
7 back to 2015, other than CHS and Bellevue?

8 MS. HAGAN: Objection as to form.  
9 You can answer if you understand.

10 THE WITNESS: Yes.

11 BY MS. CANFIELD:

12 Q Where else were you employed?

13 A An agency called AABR. And that's an  
14 acronym for Association of the Advancement of the  
15 Blind and Retarded. It's AABR Inc.

16 Q Thank you. And when did you start working  
17 for that organization?

18 A 1999 I think.

19 Q Did that continue for a number of years?

20 A Yes.

21 Q How many years?

22 A Until this September.

23 Q September 2021?

24 A Yes.

25 Q And what did you do for AABR?

Melissa Kaye

Page 140

1           A     I was the -- I was a psychopharmacologist  
2     consultant. So I was the consulting  
3     pscyhopharmacologist for some of their patients.

4                     They -- they call them "consumers," but to  
5     me, they were patients.

6           Q     Okay. And approximately how many hours per  
7     week were you working as a psychopharmacologist  
8     consultant?

9           A     I didn't work there every week.

10          Q     Okay. Starting with this past year, 2021,  
11     how often were you working for AABR, approximately?

12          A     Once a month.

13          Q     What about in 2020?

14                     MS. HAGAN: Objection as to form.

15                     THE WITNESS: About the same.

16     BY MS. CANFIELD:

17          Q     2019?

18                     MS. HAGAN: Objection.

19                     THE WITNESS: It averaged about once a  
20     month.

21     BY MS. CANFIELD:

22          Q     2018?

23          A     The same.

24          Q     2017?

25          A     About a month -- about once a month.

Melissa Kaye

Page 141

1 Q 2016?

2 A The same.

3 Q 2015?

4 A Yes, once a month.

5 Q Okay. How were you paid by AABR?

6 A I billed for my services and they paid me  
7 directly.

8 Q How often would you bill for your services?

9 A Once a month.

10 Q Did you receive a tax document from AABR  
11 each of the years that you worked for them, or  
12 performed work for them?

13 MS. HAGAN: Objection as to form.

14 You can answer.

15 THE WITNESS: Yes.

16 BY MS. CANFIELD:

17 Q What did you receive?

18 A 1099.

19 Q All right. I'm going to call for the  
20 production of the 1099s that you received from AABR  
21 for the years 2015 through 2021. And I will put it in  
22 writing.

23 MS. HAGAN: We'll take it under  
24 advisement.

25 //

1 BY MS. CANFIELD:

2 Q Any other employment that you've held?

3 A I had these on and off, like, short little  
4 consulting requests where I would be asked to do  
5 capacity evaluations and/or a psychopharmacologic  
6 consultation. A consultation for psychopharmacology  
7 and/or a consultation for capacity evaluation. And I  
8 was asked to do that by some of these same doctors who  
9 had PCs that were asking me to cover their patients at  
10 Gracie.

11 Q Okay. And have you done those evaluations  
12 or consultations fairly consistently between the years  
13 2015 to 2021?

14 A No.

15 MS. HAGAN: Objection.

16 BY MS. CANFIELD:

17 Q Okay. How many have you done?

18 MS. HAGAN: Objection.

19 THE WITNESS: It's difficult for me to  
20 quantify because it was a while ago, but I would be  
21 asked to go into the facility, assess the patient,  
22 determine his or her capacity to participate in  
23 treatment planning and discharge planning. And then  
24 sometimes I would be asked to look at the medications  
25 -- the medical and psychiatric medications, if there

1       were any, and -- in relation to whatever the  
2       consultation question was about behavior, thought,  
3       psychosis, depression -- whatever it was -- and make a  
4       recommendation about the medications and then render  
5       an opinion on the capacity and put that --

6       BY MS. CANFIELD:

7               Q       Okay. And you said that -- I believe you  
8       testified that this work came to you through your work  
9       at Gracie Mansion -- or Gracie Square?

10              MS. HAGAN: Objection as to form. And  
11       assumes facts --

12              THE WITNESS: Yeah. Some of the  
13       doctors at -- I think. Yeah. I think one of the  
14       doctors that I had met at Gracie -- one of the private  
15       attendings, I think I might have met him maybe when I  
16       was moonlighting or something. I don't know. But he  
17       asked me if I would do that.

18              And then another doctor I had met  
19       through outside sources. So --

20       BY MS. CANFIELD:

21              Q       Okay. Were you ever asked to engage in  
22       consulting work through any of the attorneys that  
23       you've met through your work at CHS or at Bellevue?

24              MS. HAGAN: Objection as to form. Can  
25       you specify a time period?

1 MS. CANFIELD: I did. While working at  
2 CHS and at Bellevue.

3 THE WITNESS: Yeah. I was -- I was  
4 contacted by legal aid. It was after my forced  
5 resignation and I was contacted about several cases  
6 and asked to -- they wanted to discuss them and they  
7 asked me to evaluate the -- their client. And --

8 BY MS. CANFIELD:

9 Q How many clients did you evaluate?

10 A Two.

11 Q Two? And how were you compensated?

12 Actually, let me withdraw that.

13 Who compensated you? Legal aid?

14 MS. HAGAN: Objection.

15 THE WITNESS: Well, that's who's  
16 supposed to compensate me. I haven't been paid yet,  
17 but yeah.

18 BY MS. CANFIELD:

19 Q Okay. When did you conduct these two  
20 evaluations?

21 A I've been paid for one of the evaluations.  
22 Not the other one.

23 THE REPORTER: Please repeat the  
24 answer.

25 THE WITNESS: I've been paid for one of



1 the evaluations. Not the other.

2 I think that it was in maybe January.

3 BY MS. CANFIELD:

4 Q 2021?

5 A Yeah.

6 Q Okay. And when was the other evaluation?

7 A Well, the other evaluation was ongoing.

8 There was a lot of collateral information I had to

9 collect. But are you asking -- when you say

10 "evaluation," are you asking when I wrote the report?

11 When I interviewed the -- the --

12 Q When you completed the work on the  
13 evaluation.

14 A September of this year.

15 Q Okay. Thank you. And did you perform any  
16 consultancy work in 2020?

17 MS. HAGAN: Objection.

18 THE WITNESS: Yes.

19 THE REPORTER: Ms. Hagan, did you say  
20 something?

21 MS. HAGAN: Yes. Objection.

22 BY MS. CANFIELD:

23 Q Okay. And --

24 A Do you mean consulting or do you mean per  
25 diem?

1           Q     The consulting work that you were talking  
2     about just now, you said that you were doing  
3     consulting whether that's competency or  
4     psychopharmaceutical?

5           A     Psychopharmacology. Yeah. I'm sorry. I  
6     misunderstood the question.

7                     No. I -- I did work per diem at Gracie  
8     Square in 2020, but I was per diem. I -- so I guess  
9     it's -- I'm calling that something different than  
10    consulting.

11          Q     Right. But you had already testified to the  
12    fact that you were doing per diem work at Gracie  
13    Square, correct?

14          A     Right.

15          Q     Okay. I'm mostly interested in the  
16    consulting work that you were doing that you were  
17    billing yourself --

18          A     Okay.

19          Q     -- to perform.

20                     Did you do any of that work in 2020?

21                     MS. HAGAN: Objection as to form.

22                     THE WITNESS: That one case that was  
23    very long and complicated, it's possible that the  
24    lawyers may have reached out to me in 2020, but it was  
25    the same case I talked about for 2021.

1 BY MS. CANFIELD:

2 Q Okay. How about for 2019?

3 A No.

4 Q No work?

5 A When you're saying "consulting," can you  
6 just define specifically what you mean? Like, which  
7 -- you're not talking about Gracie Square and you're  
8 not talking about AABR?

9 Q Correct.

10 A Okay.

11 Q Did you perform any consultancy work in  
12 2019?

13 A No.

14 Q 2018?

15 A No.

16 Q 2017?

17 A I might have done some of those. I mean,  
18 yeah. I don't know if I did any -- I might have done  
19 some of those nursing home capacity evaluations in  
20 '17. I'm not sure. And --

21 Q I'm sorry?

22 A Yeah. I might have done some of those  
23 nursing home pharmacology capacity consults. I don't  
24 remember the -- the date span of when I did those. It  
25 was kind of a infrequent situation and it didn't --

Melissa Kaye

Page 148

1 and I didn't do it for a long period of time.

2 Q Okay. What about in 2016?

3 MS. HAGAN: Objection to form.

4 THE WITNESS: Again, the same thing  
5 with those nursing home and care facility  
6 consultations.

7 BY MS. CANFIELD:

8 Q Okay. And then 2015?

9 A Again, I -- I -- there was a span of time  
10 where I was doing that -- that type of work where I  
11 was being asked to go do those capacity evaluations  
12 and make pharmacologic --

13 Q Okay.

14 A -- psychopharmacologic recommendations. So  
15 yeah, that could have been happening then. I don't  
16 have the dates on the top of my head.

17 Q Okay. Do you recall why you stopped doing  
18 the nursing home consultations?

19 A Yes.

20 MS. HAGAN: Objection.

21 BY MS. CANFIELD:

22 Q Why is that?

23 A Because of it taking up too much time  
24 outside of my primary job. I -- going to the nursing  
25 homes on the weekends or in the evenings would require

1 childcare issues. I would be away from my kids. It  
2 wasn't -- I wasn't making that much money and, you  
3 know, by the time I calculated in the problems with  
4 getting childcare and that was challenging for, you  
5 know, later in the evening and being away from my kids  
6 and paying for childcare, and how much money I was  
7 making. And after taxes, it was just completely -- it  
8 made no sense.

9 Q Okay.

10 A And --

11 THE REPORTER: I'm sorry. Repeat what  
12 you said after "no sense."

13 THE WITNESS: It made no sense for me  
14 financially or personally.

15 BY MS. CANFIELD:

16 Q Okay. And what about your work at AABR and  
17 at Gracie Square? Were you working -- performing work  
18 at those two facilities more regularly in 2015, 2016  
19 and 2017 would you say?

20 MS. HAGAN: Objection as to form.

21 THE WITNESS: I would say it was always  
22 -- it was per diem, which means as-needed. So it was  
23 in chunks of time and then in not, and then on and  
24 off. I mean, not with Gracie.

25 With AABR, it was pretty consistently,

1       you know -- I would consult with them on a regular  
2       basis -- monthly.

3       BY MS. CANFIELD:

4             Q       With AABR?

5             A       AABR, yeah.

6                    MS. HAGAN: Wait a second. Can we take  
7       a break? A bathroom break?

8                    MS. CANFIELD: Just let me finish this  
9       line of questioning then we're done.

10                   MS. HAGAN: I really need to go to the  
11       bathroom. Excuse me. Hold on for a second. I need  
12       --

13                   THE REPORTER: The time is 1:33 p.m.  
14       We're off the record.

15                               (Off the record.)

16                   THE REPORTER: The time is 1:40 p.m.  
17       We're back on the record.

18       BY MS. CANFIELD:

19             Q       Okay. So you testified that your time at  
20       AABR was fairly consistent, and it looks that way  
21       based on your testimony. You were consistently  
22       providing consultancy work there once a month.

23                   My question is with respect to Gracie  
24       Square, were you doing more work there in 2016, 2017  
25       and 2015 as compared to 2017 -- I'm sorry. As

1 compared to 2018 to the present?

2 MS. HAGAN: Objection as to form.

3 BY MS. CANFIELD:

4 Q Or at least when you stopped working there?

5 MS. HAGAN: Objection as to form.

6 THE WITNESS: I don't know if I can  
7 answer that because, again, I worked in chunks of  
8 time. I worked at -- I worked at that chunk of time  
9 after I was forced out of CHS, and I worked until the  
10 pandemic caused them to drop their census and have too  
11 many doctors. I worked a chunk of time this summer.

12 So it goes and -- and, you know, it has  
13 -- it's been in chunks of time. So I guess it's hard  
14 to say what years I had more work than others. Like,  
15 it's hard for me to answer that if I am going to be  
16 accurate, because I really don't know.

17 BY MS. CANFIELD:

18 Q Okay. Your work at Gracie Square, was it  
19 primarily on the weekends? Did you do -- perform any  
20 work during the week?

21 A Sometimes during the week and sometimes  
22 during the weekend.

23 Q Okay. What about at AABR? Did you perform  
24 that work on the weekend or during the week?

25 MS. HAGAN: Objection. Form.

1 THE WITNESS: It varied. Sometimes the  
2 week, sometimes the weekend.

3 BY MS. CANFIELD:

4 Q Okay. And the consultancy that you did, the  
5 competency exams and the nursing home consulting, did  
6 you do that primarily on the weekends or during the  
7 week sometimes?

8 A I didn't do competency exams. It was --  
9 these weren't criminal defendants. These were -- it  
10 was capacity evaluations.

11 Q Oh, apologies.

12 A But yeah, I -- it was -- it was both, but  
13 you know, it did -- there were mornings that I would  
14 go there early Saturday morning and, you know, I would  
15 come home and the kids would be awake and I -- and I  
16 -- I just decided that this is, you know, not -- not a  
17 good thing for -- for me, for a lot of reasons.

18 Q Okay. Did the oversight that CHS, when it  
19 took over the clinics, and the strict hours that you  
20 were required to work, did you find that interfered  
21 with some of the consultancy work that you were doing?

22 MS. HAGAN: Objection as to form.

23 THE WITNESS: The -- the problem with  
24 the hours at CHS was the -- I was promised very  
25 specifically by my union who had negotiated with the



1 transfer and that I would be grandfathered in, and my  
2 working conditions wouldn't change in any way.

3 And then in April, when I was down on  
4 Water Street and brought the -- my concerns to the  
5 attention of Dr. Ford and Dr. Jain about pay parity  
6 and about my working -- how my -- all my union  
7 benefits and all my working -- my title, my shift,  
8 everything was going to stay the same. My location.  
9 I didn't -- I didn't want to go to Rikers. And Dr.  
10 Ford brought me over to speak with Jessica Laboy and  
11 Mr. Wangel and I was assured that nothing was going to  
12 change. Everything would stay the same. So I was  
13 fine with that, you know? A 9:00 to 5:30, you know?  
14 That was fine.

15 The problem happened after I filed my  
16 EEOC complaint and I told Dr. Jain about my EEOC  
17 complaint. They changed my shift. And that was just  
18 brutal for me. Brutal. They said I had to be at work  
19 at 8:00 in the morning. They increased my unpaid work  
20 -- my unpaid lunch hour from 30 minutes to an hour,  
21 which extended my work day to nine hours. And it just  
22 -- it -- it -- you know, when you're a single mom with  
23 two kids, ten minutes makes all the difference in the  
24 world, you know? Much less an hour. And it just  
25 threw our lives into chaos. And it was super

1 stressful. And the reason for doing it kept shifting.

2 First, they were telling me it was  
3 because the system couldn't handle a 30-minute lunch,  
4 but I've had a 30-minute lunch per negotiations with  
5 the union and Bellevue and the rest of the enterprise,  
6 and other non-CHS agencies, for almost 13 years. And  
7 that had been negotiated when the doctors went from a  
8 37.5 to a 40-hour work week. They decreased the  
9 unpaid lunch hour from an hour unpaid in the middle of  
10 the day to 30 minutes unpaid in the middle of the day.  
11 Or even if you want to take it at the end of the day,  
12 some of the managers allowed that.

13 So that was -- that -- that was  
14 devastating. And I would say that impacted my life  
15 the most.

16 BY MS. CANFIELD:

17 Q Okay. So I hear you saying that the shift  
18 change affected your personal life the most. My  
19 question is did it affect your ability to continue  
20 with your work at Gracie Square, with AABR, and with  
21 some of the other consultancy work that you were doing  
22 and privately billing?

23 A No.

24 MS. HAGAN: Objection as to form.

25 //

Melissa Kaye

Page 155

1 BY MS. CANFIELD:

2 Q I'm sorry?

3 A No.

4 Q Okay.

5 MS. HAGAN: And just to note, I  
6 objected to the question prior to Dr. Kaye's response.

7 MS. CANFIELD: Okay.

8 BY MS. CANFIELD:

9 Q One last question. Have we exhausted all  
10 other outside employment?

11 A I don't know. There's nothing that comes to  
12 mind. I mean, if -- I mean, the names of those  
13 nursing homes were very varied. I know there was --  
14 do you want me to try to name those nursing homes  
15 where they had me doing the consulting?

16 Q No. No thank you, but I have requested your  
17 tax records and paystubs from that time period, so  
18 those documents will tell me where they were, okay?

19 MS. HAGAN: We'll take it under  
20 advisement.

21 BY MS. CANFIELD:

22 Q So there's no reason to rack your brain.

23 MS. HAGAN: Again, we'll take it under  
24 advisement.

25 //

1 BY MS. CANFIELD:

2 Q And I have a question. Why did you need to  
3 find new attorneys?

4 MS. HAGAN: Objection.

5 THE WITNESS: Because when I --

6 MS. HAGAN: Wait, wait, wait.

7 Objection. This goes into attorney-client privilege.

8 MS. CANFIELD: It actually doesn't.

9 MS. HAGAN: She's not going to answer  
10 that question.

11 MS. CANFIELD: But it's not your  
12 privilege. It's her privilege to assert, and I'm  
13 talking about the --

14 MS. HAGAN: And I'm asserting it for  
15 her. This is something that she's made a decision as  
16 far as -- concerned.

17 MS. CANFIELD: It's not privileged.

18 BY MS. CANFIELD:

19 Q Why did you --

20 MS. HAGAN: She's not going to answer  
21 that question. You need to move on.

22 MS. CANFIELD: I've asked the question.

23 MS. HAGAN: Well, you're going to have  
24 to -- going to put a blank in the record.

25 THE REPORTER: I'm sorry. Please speak

Melissa Kaye

Page 157

1 one at a time.

2 MS. HAGAN: I'm saying that my client  
3 is not going to answer that question. She's not.  
4 It's not relevant and it touches on attorney-client  
5 privilege.

6 MS. CANFIELD: It does not, but can you  
7 please mark that for the record and we'll -- I'll  
8 follow-up with the Court later.

9 MS. HAGAN: Mm-hmm.

10 MS. CANFIELD: All right. Just the  
11 last set of questions and then we can take a break.  
12 BY MS. CANFIELD:

13 Q Dr. Kaye, your name is Dr. Melissa Kaye? Do  
14 you have a middle name?

15 A Tosyl.

16 THE REPORTER: Please repeat that.

17 THE WITNESS: Tosyl, T-O-S-Y-L.

18 BY MS. CANFIELD:

19 Q Okay. And have you been known by any other  
20 name other than Dr. Melissa Kaye Tosyl, or Tosyl Kaye?

21 A Yeah. My -- my name is Melissa Tosyl Kaye  
22 and I was at one point known as Melissa Kaye Gavend.

23 Q Okay.

24 A G-A-V-E-N-D.

25 Q And did you change your name?

Melissa Kaye

Page 158

1           A     I did.

2           Q     And for what reason?

3           A     My given name is Melissa Kaye and I was in  
4 college and there was a group of us girls who decided  
5 that we would change our names for various reasons,  
6 and that's what we did.

7           Q     Okay.

8           A     One of the girls name -- changed her name to  
9 Diana after a goddess, and I forget what the other  
10 ones did. And we went down to the Boulder County  
11 Clerk and changed our names.

12                   We were in the women's studies program and  
13 we just kind of felt that was asserting our  
14 personhood.

15           Q     I understand. I have a women's studies  
16 graduate degree.

17                   So your name -- your surname was -- last  
18 name was Kaye?

19           A     No. My -- my middle name is Kaye. My given  
20 name -- well, when I say "given," I mean my parents  
21 named me Melissa Kaye and my middle name was Kaye, and  
22 my last name was Gavend, G-A-V-E-N-D.

23           Q     Okay. Okay. I'm sorry. Okay.

24           A     My name that I was given at birth. And I --  
25 and then my nickname. And I just took my -- and

Melissa Kaye

Page 159

1       that's how I -- I got my name. I changed my name  
2       because I was --

3           Q       Okay.

4           A       -- Melissa Kaye as my middle -- as my first  
5       and middle name. I changed Kaye to be my last name  
6       and took my nickname as my middle name.

7           Q       So Tosyl was your nickname?

8           A       Tosyl.

9           Q       Tosyl.

10          A       Yeah, it was a nickname.

11          Q       Thank you. And are you married?

12          A       No.

13          Q       Okay. Have you been married?

14          A       No.

15                   MS. HAGAN: Objection.

16       BY MS. CANFIELD:

17          Q       And you have children, correct?

18          A       Yes.

19          Q       How many?

20          A       Two.

21          Q       Okay. And what are their names and ages?

22          A       B -- and J -- and --

23          Q       How old are they?

24          A       They're 12.

25          Q       Are they twins?

Melissa Kaye

Page 160

1 A Yes.

2 Q Are they paternal or fraternal?

3 A They're boy/girl, so --

4 Q Oh, yeah. Okay. Sorry. That was obvious.

5 A It's a common question, so -- yeah.

6 Q Yeah, yeah, yeah.

7 A I -- yeah, they're fraternal.

8 Q And I'm assuming your children live with  
9 you?

10 A Correct.

11 Q Okay. And you stated earlier today that  
12 you're living in New Mexico. How long have you lived  
13 in New Mexico?

14 A I gave up my apartment in New York in  
15 August.

16 Q Did you rent or did you own?

17 A I rented.

18 Q Okay. And since August, you've been living  
19 in New Mexico. Do you rent or do you own?

20 A I rent.

21 Q And anyone else other than you and your  
22 children live with you?

23 A No.

24 Q Do you own or rent any other property?

25 MS. HAGAN: Objection.



Melissa Kaye

Page 161

1 THE WITNESS: Well, I was renting my  
2 apartment in New York, but now just my apartment in  
3 Albuquerque.

4 MS. CANFIELD: Okay. I guess why don't  
5 we take a break now.

6 THE WITNESS: Okay.

7 MS. CANFIELD: I think it's a good  
8 time.

9 MS. HAGAN: We can do 30 minutes?

10 MS. CANFIELD: Let's do 40.

11 THE REPORTER: Okay. The time is 1:53  
12 p.m. We're off the record.

13 (Off the record.)

14 THE REPORTER: The time is 2:37 p.m.  
15 We're back on the record.

16 BY MS. CANFIELD:

17 Q Welcome back, Dr. Kaye.

18 A Thank you.

19 Q As I said before, I will try to finish us  
20 today by 6:00. I'll do my best.

21 I just want to talk to you a little bit  
22 about the transition from Bellevue to CHS. I believe  
23 this morning you said that you learned about the  
24 transition about December of 2017. Am I correct of  
25 that recollection?

Melissa Kaye

Page 162

1           A     Yes.

2           Q     Okay. And how is it again that you learned  
3 of the transition?

4           A     Dr. Jeremy Colley reached out to me and Dr.  
5 Winkler.

6           Q     I'm sorry. Can you speak up, please?

7           A     Yes. Dr. Jeremy Colley reached out to me  
8 and Dr. Winkler, and he informed us about this.

9           Q     Okay. And did he reach out to you in  
10 person? Did he telephone you? Did he send you an  
11 email? What form of communication did he use to  
12 notify you?

13                   MS. HAGAN: Objection as to form.

14                   You can answer.

15                   THE WITNESS: If I recall correctly, it  
16 was a text message. It could have been an email --

17 BY MS. CANFIELD:

18           Q     Okay.

19           A     -- but I think it was a text.

20           Q     Okay. And what exactly did Dr. Colley say  
21 when he notified you?

22           A     He said that he was notified that, you know  
23 -- well, the plan had been always with the -- all four  
24 clinics were going to consolidate under Bellevue. And  
25 that steps were -- had been taken for that to happen,

1 and he was involved in that. And he was the director  
2 of the Division of Forensic Psychiatry at Bellevue.  
3 That was the -- the position Dr. Ford had before she  
4 went to CHS.

5 And so there was discussions about that.  
6 And Elizabeth Owen had been in charge of the Brooklyn  
7 and Queens centers. And I remember emails -- I don't  
8 know if we ever met in person, but I remember emails  
9 and phone conversations. And then suddenly, there was  
10 this just change in the plan and he wanted, you know  
11 -- he was concerned and kind of ambushed. I think he  
12 was a little rattled and he wanted to talk to Barry  
13 and I -- Dr. Winkler and I and -- and find out why,  
14 you know, this was happening and if, you know --  
15 that's what I remember.

16 And so we had some conversations with him.  
17 I don't remember if they were in person.

18 Q Okay. So if I'm understanding your  
19 testimony, you said that the original plan was for all  
20 the court clinics to be organized under Bellevue, and  
21 that there was a change where instead of the clinics  
22 having oversight by Bellevue, that they were going to  
23 be transitioned to CHS. Was that the change that Dr.  
24 Colley was speaking to you about?

25 A Dr. Colley -- yes. We were -- there was

1 rumbling or discussions or meetings about the  
2 consolidation of the four clinics under Bellevue. And  
3 that abruptly changed course and Dr. Colley informed  
4 me and Dr. Winkler about that.

5 Q Okay. When was it that there were  
6 discussions to organize the clinics under Bellevue?  
7 Do you recall when that first occurred?

8 A It was in 2017.

9 Q Okay.

10 A -- but I -- I know it was in 2017 because it  
11 was an active plan or thought or -- it was being  
12 explored actively when suddenly there was this big  
13 shift and CHS was going to basically -- even Dr. Mary  
14 Anne Badaracco was just kind of ambushed. Everyone  
15 was just like, "Whoa, what's going on? This is a big  
16 switch." And no one was informed about it and there  
17 was no discussion. And we had been previously on this  
18 trajectory to consolidate under Bellevue. And now,  
19 we're told this.

20 And it was -- it happened without any kind  
21 of forewarning or open dialogue with people involved.

22 Q Okay. Now when Bellevue was going to  
23 exercise oversight of the clinics, were there  
24 discussions about your role and whether or not your  
25 role would change with that type of transition?

Melissa Kaye

Page 165

1 A No.

2 Q Were there no discussions or were there  
3 discussions that your role wouldn't change?

4 A There was no -- there was no indication that  
5 my role was going to change.

6 Q Okay. And was Dr. Colley going to have  
7 oversight of all the clinics through Bellevue?

8 A Yes.

9 Q Okay.

10 A Well, as -- yes. It would be Dr. Colley or  
11 if -- whoever was in the director position of the  
12 Division of Forensic Psychiatry at Bellevue. And at  
13 the time, it was Dr. Colley.

14 Q Okay.

15 THE WITNESS: I'm going to turn off the  
16 heater because it's going to get noisy again.

17 MS. CANFIELD: Okay.

18 THE WITNESS: Okay. Here we go. It'll  
19 take a minute for the fan to turn off.

20 But yeah, so it was under Bellevue  
21 regardless of who was in that leader -- leadership  
22 position at the time.

23 At the time, it was Dr. Colley.

24 BY MS. CANFIELD:

25 Q Okay. And were you in agreement with

Melissa Kaye

Page 166

1 Bellevue taking over oversight of all the clinics?

2 MS. HAGAN: Objection as to form.

3 THE WITNESS: I thought it was a good  
4 idea. There was a lot of concern in the forensic  
5 community about Elizabeth Owen and some tactics that  
6 she employed. So people, you know, kind of felt that  
7 that -- those services in Brooklyn and Queens needed  
8 to be cleaned up. So I thought it was a good idea.

9 BY MS. CANFIELD:

10 Q Okay. Now once you learned that Bellevue  
11 would not be exercising oversight, but in fact, all  
12 the clinics would be transitioning over CHS or  
13 Correctional Health Services oversight, how did you  
14 feel about that?

15 MS. HAGAN: Objection as to form.

16 THE WITNESS: Well, I had concerns  
17 because it was done in such a surreptitious manner.  
18 It was kind of done as an ambush instead of open  
19 discussions with people about what was happening. So  
20 that naturally would -- would raise red flags.

21 But I -- my concern was that -- that  
22 CHS operated as a political wing of -- of the mayor's  
23 office, and I had concerns about politicizing the 730  
24 competency exams and how that would impact defendants'  
25 constitutional rights.

1 I mean, I had concerns about things  
2 that were outside of my -- my job. And then I had  
3 concerns about things that pertain to my -- my  
4 employment.

5 And primarily, you know, was I going to  
6 have to go to Rikers? Was I going to have to go off-  
7 site? Was I going -- you know, what -- what -- who  
8 was I going to report to? Were the people going to  
9 maintain the integrity of -- of the process? And I  
10 was -- I was quite focused and concerned about making  
11 sure that, you know, I -- I had been a public servant  
12 for I think almost 20 years at the time and I was  
13 planning to stay in that job another 10 or 15 years.  
14 And I wanted to make sure, you know, what was  
15 happening. I wanted to know. And my union had  
16 ongoing meetings with CHS and it wasn't just because  
17 of me. There were I think five part-time -- four or  
18 five part-time male psychiatrists working at the  
19 Manhattan Court Clinic and it wasn't clear that --  
20 that, you know -- whether or not they were going to  
21 fill Dr. Ciric's role, you know, as it was, which was  
22 a physician specialist unionized line, so that could  
23 have made it six doctors.

24 So the union was trying to verify that,  
25 you know, what's going to change, what's going to stay

1 the same. And they repeatedly promised again and  
2 again, everything's going to stay the same. Nothing's  
3 going to change. No change in working conditions.  
4 And the union tried to get an MOA to that effect, and  
5 then CHS -- Wangel and Ford for certain were there, I  
6 was told -- got real kind of slippery and said, "No.  
7 We're not going to give you an MOA. We will -- we'll  
8 make a FAQ website." It was --

9 So they put up this website. It's  
10 long-gone now. I didn't -- I don't have it, but with  
11 these very, very general questions that didn't address  
12 any of the concerns that Doctors Council had or that I  
13 had.

14 And so I wanted, you know, to make sure  
15 that, you know, I knew what I was getting to. And so  
16 in April when I was down at --

17 BY MS. CANFIELD:

18 Q Let me -- I'm going to ask you some  
19 questions about that. So --

20 MS. HAGAN: You have to let her -- you  
21 got to let her finish her answer though.

22 MS. CANFIELD: I'm going to ask her  
23 questions about the April meeting --

24 MS. HAGAN: Can you please let her  
25 finish her answers?



Melissa Kaye

Page 169

1 MS. CANFIELD: -- with Dr. --

2 MS. HAGAN: Dr. Kaye, are you finished  
3 with your answer?

4 THE WITNESS: Well, I just -- I'm sorry  
5 to speak, but --

6 MS. CANFIELD: We're not going to  
7 finish within the seven hours and I'll have to write  
8 to the Court. I'm just trying to move this along.  
9 And I'm going to ask follow-up questions --

10 MS. HAGAN: -- she's asking her  
11 questions -- she's answering the questions.

12 THE WITNESS: So --

13 THE REPORTER: I'm sorry, Ms. Hagan.  
14 Please repeat everything you just said.

15 MS. HAGAN: I said, you know, she's --  
16 Dr. Kaye is trying to answer Ms. Canfield's questions  
17 to the best of her ability. I'm sorry that she  
18 doesn't like the way that Dr. Kaye is answering those  
19 questions, but she's trying to provide a complete  
20 answer to the questions that she's posed. And I think  
21 that Counsel has to afford Dr. Kaye the opportunity to  
22 express her answers in a way that she believes is  
23 suitable. This is her deposition. You called it and  
24 she's trying to answer your questions.

25 Please let her finish.

1 MS. CANFIELD: This is the deposition  
2 that I'm taking. I'm just trying to expedite.

3 Dr. Kaye, as I said, we're going to  
4 talk about the conversation that you had with Mr.  
5 Wangel and Ms. Laboy. That's where you were going.  
6 We're going to talk about that.

7 I just want to go back --

8 MS. HAGAN: For --

9 MS. CANFIELD: Ms. Hagan, please. I  
10 just want to go back and follow-up with some things  
11 that you said. When I asked you how you felt about --

12 MS. HAGAN: Let her finish her answer  
13 --

14 MS. CANFIELD: Stop talking, please.

15 THE REPORTER: I'm sorry. I'm sorry.  
16 I can't take you both at the same time.

17 Ms. Hagan, what --

18 MS. HAGAN: Please let her finish. Let  
19 her finish her train of thought and then you can go on  
20 with your questions.

21 MS. CANFIELD: No. I'm -- we're done.  
22 We're done. I'm going to ask another question. Thank  
23 you.

24 I'm asking another question.

25 MS. HAGAN: Could you please put a note

1 -- a blank in the transcript for this portion because  
2 Dr. Kaye was not able to finish her answer.

3 MS. CANFIELD: I will question her.  
4 She'll have plenty of time. I just want to make sure  
5 I get everything that I need to ask her. I need to  
6 follow-up.

7 BY MS. CANFIELD:

8 Q Dr. Kaye, one question is Dr. Ciric. Is  
9 your recollection that Dr. Ciric resigned before or  
10 after it was announced that CHS was going to take over  
11 the court clinics?

12 MS. HAGAN: Objection. Asked and  
13 answered.

14 And you can answer --

15 MS. CANFIELD: It was not.

16 You can answer.

17 MS. HAGAN: Asked and answered.

18 THE WITNESS: I have no recollection.

19 BY MS. CANFIELD:

20 Q Okay. You also testified that you believed  
21 that when I asked you how you felt about the  
22 transition to CHS, you described it as surreptitious.  
23 It was a surreptitious manner in which CHS was taking  
24 over the court clinics. What did you mean by that?

25 MS. HAGAN: Objection as to form.

1 Mischaracterizes the testimony.

2 THE REPORTER: Please repeat what you  
3 just said, Ms. Hagan.

4 MS. HAGAN: Objection as to form.  
5 Mischaracterizes Dr. Kaye's testimony.

6 BY MS. CANFIELD:

7 Q You can answer, Dr. Kaye.

8 A I meant it was done secretively and non-  
9 transparently. It wasn't vetted with anybody involved  
10 directly or indirectly. It was a surprise and a shock  
11 to Dr. Colley, Dr. Mary Anne Badaracco. It was just  
12 kind of an order from "on high" which really didn't  
13 include any discussion or -- you know, it was kind of  
14 a continuation of this -- these -- this kind of  
15 surreptitious would be the word that would come to  
16 mind. But this non-transparent infiltration of the  
17 court clinics by CHS. It was kind of just more of the  
18 same, this is not -- this wasn't something new, but it  
19 was the most bold and extreme action that we had  
20 experienced so far.

21 Q What do you mean when you say this "bold"  
22 like intrusion? I can't recall the word that you  
23 used, into the court clinics by CHS? What was  
24 happening that had you concerned?

25 A Well, when CHS was created by the -- by the

1 DiBlasio administration, it was created, you know,  
2 with a political agenda and for political optics. And  
3 that was the priority. And so in 2015, CHS and CHS  
4 operatives started interfering with the administration  
5 of the 730 exams. And MOCJ, which is the Mayors  
6 Office of Criminal Justice who was aligned with CHS  
7 started calling, emailing and getting in -- to engage  
8 the Court and attorneys in the 730 competency  
9 evaluation process. And it was just an interference  
10 of what was meant to be a non-political objective  
11 endeavor. So --

12 Q Let me ask you a question. Was it  
13 interference or was there just more interest in what  
14 was happening with the court clinics?

15 MS. HAGAN: Objection as to form and --  
16 and a suggestive answer, but you can answer.

17 THE WITNESS: It was -- there was an  
18 interference with the examination -- logistics of the  
19 examination. There was --

20 BY MS. CANFIELD:

21 Q Can you give me an example of that, please?

22 MS. HAGAN: Let her finish.

23 THE WITNESS: Yeah. There was pressure  
24 to find people, fit or unfit. And there was an  
25 involvement of the mayor's office and CHS in minutia

1 and micromanagement of -- of the evaluators'  
2 activities in doing this neutral, objective work  
3 ordered by the court -- the state court.

4 BY MS. CANFIELD:

5 Q And you did not like that micromanagement,  
6 did you?

7 A It wasn't that I -- it was -- my concern was  
8 the defendants' due process rights and the integrity  
9 of the -- the legal system because there was pressure  
10 to influence the way the exams were done.

11 Q And who did that, please? Who influenced  
12 the examinations?

13 A It -- it -- the -- it was micromanagement in  
14 the sense of, like, hyper focused on -- on the process  
15 with investment in the outcome of the case. So I  
16 considered that inappropriate intrusion into what was  
17 supposed to be a neutral evaluation that was to serve  
18 the constitution of the United States. It wasn't  
19 supposed to be used for political purposes.

20 Q Again, I'm asking you who interfered -- who  
21 specifically interfered with the outcome of an  
22 examination? Who controlled the outcome of an  
23 examination?

24 A The -- we were getting -- in 2015, there was  
25 a case -- Miguel Figueroa -- where the defendant was

1 disruptive at Rikers and Patsy Yang didn't like that.  
2 So she was pressuring Jeremy Colley and -- I don't  
3 know what her interactions were with Dr. Badaracco,  
4 but she was pressuring Bellevue to "expedite" that  
5 exam in a manner that wasn't in service of the -- the  
6 fair, legal treatment of Miguel Figueroa.

7 They were pressuring us to order a force  
8 order, just gratuitously, and he hadn't even refused.  
9 I was -- I was one of the evaluators. Dr. Winkler was  
10 the other and it was over the Christmas break. He  
11 wasn't around. She wanted -- she was pressuring to  
12 have the exam moved to be done in Manhattan. He -- he  
13 -- his lawyer was I think not even available and it  
14 was a legal aid case. And the pressure to get this  
15 exam done was so intense, he -- he wasn't even given,  
16 you know -- his -- his constitutional rights were not  
17 even being considered. It was all about --

18 Q Did he eventually have an exam?

19 A He eventually had an exam.

20 Q Without a force order?

21 MS. HAGAN: Objection as to the form of  
22 the question.

23 You can answer.

24 THE WITNESS: I -- I think he may have  
25 refused once or -- I don't -- you know, typically,

Melissa Kaye

Page 176

1 before a judge is going to consider writing the order  
2 -- writing an order for a force order, you know, we  
3 need to document three refusals. I think he may have  
4 had one, but that was maybe even after they wanted a  
5 force order, before he had refused at all.

6 So eventually, he was examined. They  
7 had called the district attorney's office in the Bronx  
8 and -- trying to get them to accept an unfit finding  
9 without an exam. And all of this was very, you know  
10 -- I felt was corrupting the legal system.

11 I mean, I can't say that as part of my  
12 job because I'm not a lawyer. I'm not an officer of  
13 the Court, but I found it very concerning and it  
14 raised red flags.

15 BY MS. CANFIELD:

16 Q And you said this happened in 2015?

17 A Yes.

18 Q Okay.

19 A And --

20 Q Didn't you tell me that you didn't learn  
21 that CHS was taking over the clinics until 2017?

22 A They didn't announce -- they didn't announce  
23 that they were taking over the clinics till --  
24 formally until 2017, but they had been interfering  
25 inappropriately all the way back to 2015.



Melissa Kaye

Page 177

1 Q Okay. So when you say "they," you're  
2 talking about CHS or are you talking about particular  
3 individuals?

4 A I'm talking about CHS, Patsy Yang. I'm  
5 talking about John Volpe at the time. I'm talking  
6 about --

7 THE REPORTER: I'm sorry. John who?

8 THE WITNESS: Volpe, V-O-L-P-E I think.

9 And there were various operatives --  
10 political operatives at MOCJ. Tasha Lloyd [ph] was a  
11 consistent player. There were some women -- Uma [ph].  
12 I don't know if that was her first name or last name.  
13 There was a woman -- Steven Reagan [ph] who was  
14 emailing. She eventually got arrested for a weapons  
15 charge.

16 There were all kinds of these just  
17 random people who really had no business, you know,  
18 trying to interfere with a court-ordered competency  
19 exam when these people had legal representation. They  
20 weren't even going to their attorneys.

21 BY MS. CANFIELD:

22 Q So this was occurring in 2015. So it sounds  
23 like in 2017, when you learned that CHS was taking  
24 over the court clinics, that you had already formed an  
25 opinion about CHS; isn't that true?

Melissa Kaye

Page 178

1 MS. HAGAN: Objection as to form.

2 Assumes facts that haven't been, I guess -- assumes --  
3 there's no foundation for the question.

4 MS. CANFIELD: Right. And so she can  
5 answer with either a yes or a no.

6 BY MS. CANFIELD:

7 Q Isn't it true that you had already had bad  
8 feeling about CHS based on your experiences in 2015?

9 MS. HAGAN: Objection.

10 THE WITNESS: Based on my experience, I  
11 had concerns.

12 BY MS. CANFIELD:

13 Q Okay. And did you communicate those  
14 concerns to anyone?

15 MS. HAGAN: Objection. Form.

16 THE WITNESS: The concerns were shared  
17 by others. Legal stakeholders in the community had  
18 concerns. Judges --

19 BY MS. CANFIELD:

20 Q No. My question is who did you share your  
21 concerns with?

22 MS. HAGAN: Objection. You have to let  
23 her finish.

24 What were you saying, Dr. Kaye?

25 MS. CANFIELD: She was not answering

1 the question.

2 BY MS. CANFIELD:

3 Q Did you share your concerns about the  
4 transition to CHS with anyone?

5 MS. HAGAN: Continue your answer and  
6 then answer her subsequently.

7 MS. CANFIELD: No. I'm going to have  
8 to call the witness back.

9 MS. HAGAN: Mm-hmm.

10 MS. CANFIELD: She's not answering  
11 questions.

12 MS. HAGAN: Mm-hmm.

13 THE WITNESS: So I -- I can't tell you  
14 the exact timeframe, but I know the DA's office and --  
15 and the -- the defense community had concerns about  
16 the Miguel Figueroa situation, which I discussed with  
17 --

18 BY MS. CANFIELD:

19 Q Okay. But my -- excuse me. Dr. Kaye,  
20 sorry. It's my deposition.

21 I want to know -- you said you had concerns.  
22 I want to know who -- if you shared your concerns with  
23 anyone?

24 A I --

25 MS. HAGAN: Please answer the question

1 that you were finishing and then go --

2 MS. CANFIELD: No, no.

3 MS. HAGAN: -- question.

4 MS. CANFIELD: No, no. Then we're  
5 going to call the witness back. That's not my  
6 question.

7 BY MS. CANFIELD:

8 Q My question is you had concerns. Did you  
9 share them with anyone?

10 MS. HAGAN: She has to answer the  
11 question. She's trying --

12 THE REPORTER: I'm sorry. Please. One  
13 at a time.

14 MS. HAGAN: You don't like how Dr.  
15 Kaye's answering your question.

16 MS. CANFIELD: It's -- no. It's not  
17 that I don't like it. She's not answering my  
18 question.

19 MS. HAGAN: She is.

20 MS. CANFIELD: And you have --

21 MS. HAGAN: She's not --

22 MS. CANFIELD: And you have a  
23 responsibility as her counsel to direct her to answer  
24 my questions. She's not answering my questions. I  
25 didn't ask her about who else had concerns. I wanted

1 to know if she shared her concerns with anyone.

2 MS. HAGAN: Clearly if she's expressing  
3 that these other people had concerns, she's talking to  
4 them. How else would she know?

5 Could you please finish?

6 MS. CANFIELD: No.

7 BY MS. CANFIELD:

8 Q I want to know if you expressed your  
9 concerns to anyone?

10 A Yes.

11 Q Who?

12 A I spoke with individuals at the Bronx  
13 district attorney's office.

14 Q Okay.

15 A Ginger James.

16 Q What about --

17 THE REPORTER: I'm sorry. I'm sorry.  
18 Repeat the name?

19 THE WITNESS: Ginger James and another  
20 ADA, Kelly Van Jeckel [ph] or something like that.  
21 Kelly Van Derken [ph]? Something like that.

22 I spoke to judges. I spoke to Judge  
23 Lieb, Judge Lieb's law secretary. Judith Lieb. I  
24 spoke to Judge Moore. I spoke to Judge Torres, the  
25 chief administrative judge. I spoke to legal aid

1 people. I think Claudia Montoya, Lorraine McKelvey,  
2 Jeff Bloom.

3 BY MS. CANFIELD:

4 Q Did you speak to anyone inside Bellevue?  
5 Any of your supervisors?

6 A I spoke extensively with Jeremy Colley. I  
7 spoke with Dr. Badaracco -- Mary Anne Badaracco. I  
8 spoke with Dr. Barry Winkler. I spoke with Dr. Ciric.  
9 I'm trying to think who else.

10 There was a male ADA at the Bronx district  
11 attorney's office that we spoke to about the Miguel  
12 Figueroa -- I don't know his -- I can't remember his  
13 name.

14 I spoke to Judge Torres' law secretary,  
15 Lonnie Gilbert [ph]. Judge Torres --

16 Q Let me interrupt a second. Now when you  
17 said you spoke to all these people, you spoke to them  
18 about Miguel Figueroa?

19 A No. You -- I thought the question was --  
20 concern -- there were concerns about CHS? I thought  
21 that was --

22 Q Concerns about the transition. You spoke to  
23 all those people about your concerns regarding the  
24 transition?

25 A No. That was --

1 MS. HAGAN: No.

2 MS. CANFIELD: That was my question.

3 MS. HAGAN: You're mischaracterizing  
4 her testimony.

5 MS. CANFIELD: That was my question.  
6 That's my point.

7 BY MS. CANFIELD:

8 Q My point was who did you speak to about your  
9 concerns regarding the transition to CHS, not Miguel  
10 Figueroa.

11 A Because that was -- the names were people I  
12 spoke to since 2015.

13 Q That was not my question either.

14 A I apologize. I apologize.

15 Q Yeah.

16 A So specifically about the transition?

17 Q You testified that you had concerns about  
18 the transition.

19 A Yeah.

20 Q What I want to know, did you express any of  
21 those concerns to your superiors? What did you say,  
22 when, if you did.

23 MS. HAGAN: Objection. Form of  
24 question.

25 THE WITNESS: I -- I spoke to Jeremy

1 Colley.

2 BY MS. CANFIELD:

3 Q And what did you say to Dr. Colley?

4 A I'm not going to be able to recall the exact  
5 -- you know, the exact verbiage, but I -- we were  
6 concerned that, you know, as Dr. Colley characterized  
7 and I shared, you know, with CHS hijacking the mental  
8 health aspects of the criminal procedure law, and  
9 using it to manipulate the legal system. We had  
10 concerns about that.

11 Q Okay. Were you considering -- you testified  
12 earlier that you spoke to I think Dr. Ford and Dr.  
13 Jain about whether or not you had formally accepted  
14 position or accepted transfer to CHS.

15 A Yes.

16 Q During the time period before you had  
17 formally accepted the transfer, were you seeking other  
18 employment?

19 A I was in discussion with Dr. Mary Anne  
20 Badaracco and Jeremy Colley about possibly getting a  
21 position at Bellevue.

22 Q Okay. And what position were you discussing  
23 with them at Bellevue?

24 A Well, that was part of the issue is that  
25 they didn't really have -- I wanted to stay in my



1 Doctors Council HHC line and those lines had been  
2 phased out over the last 20 years and converted to  
3 private lines, like NYU lines at Bellevue instead of  
4 city lines.

5 And so the positions that were available  
6 were NYU lines. And I was kind of waiting and hoping  
7 to find a city line to -- to -- to stay in at  
8 Bellevue. That's a lot of around what the discussion  
9 was.

10 There was a discussion about if I would --  
11 if they might be able to get an NYU line converted to  
12 a city line, and that I would work on the inpatient  
13 forensic unit at Bellevue, which was a treatment unit  
14 for people that were too acutely psychiatrically ill  
15 to be on Rikers. And --

16 Q Were you offered an NYU line?

17 MS. HAGAN: Objection.

18 THE WITNESS: I don't -- I don't  
19 remember if I was offered an NYU line. I specifically  
20 asked --

21 BY MS. CANFIELD:

22 Q If you were offered an NYU line, would you  
23 have taken it?

24 MS. HAGAN: Objection.

25 THE WITNESS: I don't think I would

1 have taken a job and given up -- I -- my goal was to  
2 stay in my union line and I don't -- I don't think I  
3 would have taken it, no.

4 BY MS. CANFIELD:

5 Q Did you believe that you were being told  
6 that they didn't have a city line because they wanted  
7 you to go into an NYU line where you would not be part  
8 of the union?

9 A I think -- I think that doctors have some  
10 kind of affiliation with the union. The -- the -- I  
11 don't know that they're not part of the union. I  
12 remember seeing emails that they -- they did affirm  
13 some affiliation for those doctors, so I don't know  
14 that they weren't part of the union. But I was more  
15 interested in the benefits of the union.

16 I was kind of locked onto the -- the dental  
17 benefits and covering orthodontic treatment. And I  
18 was pretty locked onto that and I really wanted to  
19 keep that benefit.

20 I also felt like I -- you know, I had  
21 basically been told, "You die in your line," and  
22 that's why I wasn't given a raise. So I wasn't going  
23 to then just say, "Okay." But if it's convenient, you  
24 know, for us, we're just going to switch you over and  
25 you're going to lose all your union benefits. And,

1     you know, and still work here. It didn't seem  
2     reasonable to me.

3             I had been in that line and I asked  
4     specifically if I could be changed to a physician  
5     specialist line. I wanted that. Again, I asked  
6     again. At this transition point, I was asking Dr.  
7     Badaracco because I think that when Steve Ciric worked  
8     at the inpatient unit, which is where I was looking  
9     for a job, before he was hired by Dr. Ford to go be  
10    the director of the Manhattan Court Clinic, he had  
11    gotten -- he was an attending three, and then when he  
12    went to the court clinic, he became a physician  
13    specialist. So he got to change his line when he  
14    changed kind of roles. So I was hoping that I could  
15    do the same. So I was kind of looking for that and  
16    Dr. Badaracco was receptive to exploring it, but she  
17    voiced concerns to me that, you know, I appreciated  
18    her sharing. And she said that, you know, since CHS  
19    has took over Rikers, they were not referring people  
20    timely for psychiatric care -- for acute psychiatric  
21    care. They were holding onto them too long and they  
22    were coming to the hospital way more psychotic and way  
23    more violent. And at the rate of attacks on staff at  
24    Bellevue inpatient unit were -- were -- were up, high.

25            Q     Okay. Let's -- we're getting off topic now.

1 Let me ask you a question.

2 The fact that Dr. Badaracco did not -- was  
3 unable to give you either a physician specialist or a  
4 city line, did you take that as -- that decision being  
5 in any way discriminatory or in retaliation for your  
6 previous complaints about pay equity?

7 MS. HAGAN: Objection. That  
8 mischaracterizes the testimony, but you can answer.

9 THE WITNESS: Well, I mean, there's two  
10 parts to that.

11 One, Dr. Badaracco never told me that  
12 they couldn't. She said she would explore it. And  
13 then she also gave me warnings about if I were to take  
14 that job, she said, "I know you're a mother and you  
15 have young kids." And that people, you know -- "Staff  
16 are getting hurt here and you need to consider that.  
17 I'm telling you that not only as someone who would be  
18 your supervisor, but you know, someone who cares. And  
19 I'm telling you that the unit is more violent now."

20 And --

21 BY MS. CANFIELD:

22 Q Okay. But my question is -- my question is  
23 -- you testified this morning that you believe the  
24 fact that you were not given a physician specialist  
25 line and they wanted to make you managerial was

1 discriminatory and then retaliation for your  
2 complaints.

3 What I want to know is why don't you believe  
4 the fact that Dr. Badaracco also was aware of your  
5 complaints. Why don't you characterize her inability  
6 to give you a city line as discriminatory and  
7 retaliatory as well?

8 MS. HAGAN: Objection. Objection. It  
9 mischaracterizes the testimony. She never said that  
10 Dr. Badaracco was unable to give her a physician  
11 specialist line.

12 BY MS. CANFIELD:

13 Q She didn't give you one, did she?

14 A Well --

15 MS. HAGAN: Objection.

16 BY MS. CANFIELD:

17 Q Did she ever get back to you and say -- she  
18 never followed up, did she? I mean, you didn't get  
19 the physician specialist line.

20 A She did follow-up and I believe that Dr.  
21 Badaracco --

22 First of all, Dr. Badaracco doesn't have  
23 near the power and authority that Dr. Yang has. Dr.  
24 Badaracco works within the hierarchal bureaucratic  
25 structure of HHC. Dr. Yang is in a -- is in an agency

1       that has a dot-dot-dot line connection to HHC. And  
2       she has a lot more autonomy and power and -- and  
3       control over her funding than Dr. Badaracco.

4               And I believe Dr. Badaracco, when she  
5       reacted to -- when Dr. Colley told her that -- about  
6       my pay parity, and she called me in, she did so out of  
7       concern. I believe that she did what she could to get  
8       my pay parity rectified. And I believe that she hit a  
9       wall with central office.

10              I don't -- I don't know that that's true,  
11       but I believe that she tried as best as she could and  
12       she got me that \$2,000 pay raise by pushing my  
13       attending three salary to the top range.

14              So I believe Dr. Badaracco, in good faith,  
15       discharged her duty and did what she could for me.  
16       And I also believe that she was trying to look into  
17       options about what could be done for me to come to  
18       Bellevue on a city line. And she was --

19              Q       But didn't you express those concerns to Dr.  
20       Ford who communicated your concern to Dr. Badaracco?

21              I guess what I'm trying to understand is why  
22       Dr. Badaracco did the right thing, but you believe  
23       that Dr. Ford did not do the right thing when she  
24       advocated for you to get that \$2,000 increase?

25              MS. HAGAN: Objection. It

1 mischaracterizes the testimony.

2 First off, she didn't testify --

3 MS. CANFIELD: It actually doesn't.

4 MS. HAGAN: No. She didn't testify  
5 that Dr. Ford went to Dr. Badaracco at all. She said  
6 that she didn't go to Dr. Badaracco.

7 And secondly, she didn't say that Dr.  
8 Ford actually -- advocated for anything. You're  
9 mischaracterizing her testimony.

10 Could you please rephrase the question?

11 MS. CANFIELD: Yeah. I'm going to move  
12 on.

13 BY MS. CANFIELD:

14 Q So how many different times were you seeking  
15 positions at Bellevue?

16 A I don't know that I can quantify it, but I  
17 know that after I made a decision to stay at CHS,  
18 because 730 examinations and forensic work was my  
19 career and that was my first choice and my first love,  
20 and I was promised by Wangel and Laboy that nothing  
21 would change -- and I'm reassured by my union that  
22 would be true. I did take them, you know, at their  
23 word and thought they were acting in good faith, and I  
24 decided to stay.

25 Then as soon as I made my EEOC complaints

1 and asked for pay parity, I started -- I -- I was  
2 subjected to this constant harassment and retaliation,  
3 pay cuts, surreptitious changes to my pay, my  
4 timesheets, denial of access to the computer's  
5 electronic timekeeping system. You know, just being  
6 excluded from meetings and -- and -- and being mocked  
7 and ridiculed and having my computer not work. And  
8 having them shredding all my timesheets from Bellevue  
9 -- all the copies of my timesheets from Bellevue. And  
10 claiming --

11 Q All right. Let's show the complaint. Let's  
12 go over -- because these are some of the allegations  
13 in your complaint.

14 MS. CANFIELD: So, Ms. Hagan, you have  
15 the complaint. It was something that you authored.

16 MS. HAGAN: Is this Exhibit -- it is  
17 something that I authored? What are you insinuating?

18 MS. CANFIELD: It's Exhibit B. You  
19 have it.

20 (Exhibit B was marked for  
21 identification.)

22 MS. HAGAN: It's Plaintiff's Complaint.  
23 What do you want me to say?

24 MS. CANFIELD: Yes. I'm saying it's  
25 Exhibit B.



Melissa Kaye

Page 193

1 MS. HAGAN: Yes, please.

2 THE WITNESS: So during the course of  
3 all of that --

4 MS. CANFIELD: Hold on. Hold on, Dr.  
5 Kaye. I don't have a question for you. I said we're  
6 going to move on. You --

7 MS. HAGAN: -- finish her last answer  
8 before you cut her off.

9 MS. CANFIELD: No. We were finished.  
10 We were moving on.

11 MS. HAGAN: No, not "we" were finished.  
12 You were finished. She hadn't finished answering your  
13 question. Would you let her finish answering your  
14 question, please?

15 MS. CANFIELD: Does Dr. Kaye remember  
16 my question?

17 THE WITNESS: Well, you asked me if I  
18 applied to or sought employment at Bellevue multiple  
19 times. And when things started becoming very  
20 stressful and painful from this harassment and  
21 bullying by CHS -- one incident after another -- I did  
22 reach out to Bellevue again trying to get back there  
23 and trying to get out of this -- away from these mean  
24 people.

25 //

Melissa Kaye

Page 194

1 BY MS. CANFIELD:

2 Q Okay. All right. So I was transitioning to  
3 the complaint because these are some of the things  
4 that you allege in the complaint.

5 So I wasn't trying to cut you off. I was  
6 just trying to take these allegations in a systematic  
7 way so we get through them all today, okay?

8 A Thank you.

9 Q All right. All right. I'm going to share  
10 what's been marked as Defendants' Exhibit B. It's the  
11 Amended Complaint. Or actually, it's the First  
12 Amended Complaint in this action.

13 MS. HAGAN: So that might not be the --

14 THE WITNESS: It's very, very small on  
15 the screen. I can't -- I --

16 MS. CANFIELD: Okay.

17 MS. HAGAN: Can't see that. Is there a  
18 way that you can --

19 THE WITNESS: That's better.

20 MS. HAGAN: I don't know if you could  
21 full-screen? Let's see. I'm going to -- I made mine  
22 full-screen, Dr. Kaye. Maybe that'll help.

23 THE WITNESS: How do I do that?

24 MS. HAGAN: It should be like a -- an  
25 icon in the upper right-hand corner. If you click on

1 view, it'll give you the option. Not the top.  
2 There's one on the upper right-hand corner on your --  
3 I think on my screen, but it should be on your screen  
4 as well.

5 MS. CANFIELD: There's an X and then a  
6 restore up, restore down and then a minimize. If you  
7 go restore up.

8 THE WITNESS: Well, I don't know. That  
9 might be for a PC, but this is a Mac. I -- I --

10 MS. HAGAN: I have a Mac, too. Yeah.  
11 I'm not sure what happened there.

12 MS. CANFIELD: Okay.

13 BY MS. CANFIELD:

14 Q I just want to know -- this is the First  
15 Amended Complaint. I want to know if prior to this  
16 being filed with the Court, if you had an opportunity  
17 to review it?

18 A I -- I don't know if I had an opportunity.  
19 I have reviewed it. I have reviewed it.

20 Q Okay. You have reviewed it. Okay.

21 A I -- after it was filed, I did -- I did take  
22 a look at it.

23 Q Okay. Are the allegations in the complaint  
24 correct and accurate?

25 A I don't even -- I would need to go through

Melissa Kaye

Page 196

1       them one by one because I -- I can't -- I know there  
2       were some things in there that, you know, I -- I would  
3       -- I would -- maybe some typos or something. So I --  
4       I don't know. I --

5               In general, I can say that it's hard to --  
6       this is a document that I haven't gone through  
7       closely.

8               Q       Okay. So why don't we go through some of  
9       the allegations together.

10              A       Is there any way that you could make it a  
11       little bit bigger, please? Okay. Thank you.

12              Q       Okay. Now the first set of allegations --  
13       and I'm going to scroll down -- concern --

14                    MS. HAGAN: Is it possible you could go  
15       to the last page so she can see this is the most --  
16       the one that we actually filed with the Court?  
17       Because it'll have the date.

18                    MS. CANFIELD: Yeah. I don't even --  
19       this one's not even --

20                    MS. HAGAN: It should have the date at  
21       the end.

22                    MS. CANFIELD: Yeah, I know. But I was  
23       going to say this one's not even Bates stamped. I  
24       don't know why. I mean, not Bates stamped, but ECF.

25                    MS. HAGAN: Yeah. That's why I was

Melissa Kaye

Page 197

1 thinking if you had the ECF version of it, then that  
2 would be helpful. April 30th. I'm not sure if that's  
3 the most -- actually, I'm not sure if that's the most  
4 recent one, but let's see.

5 THE WITNESS: I think there was one in  
6 May, wasn't there?

7 MS. HAGAN: I believe so.

8 MS. CANFIELD: Let me make sure that I  
9 have the operative complaint.

10 This is the complaint I have. It's  
11 dated May 30th. I mean, it's dated April 30th, but it  
12 was filed on May 2, 2019. And the copy that I have --  
13 the hardcopy at my desk is dated April 30th.

14 MS. HAGAN: Well, actually, the one  
15 that was filed -- one of the versions that was filed  
16 with the Court was filed on April 30, 2019. And it  
17 had ECF Docket No. 22.

18 MS. CANFIELD: The one I'm working from  
19 is Docket No. 25-1.

20 MS. HAGAN: Okay. Let's see what this  
21 one is. Because there should be another one that was  
22 actually filed on May 3rd. There should be one that's  
23 dated May 3rd. That's not the one that you're  
24 showing.

25 MS. CANFIELD: Okay.

Melissa Kaye

Page 198

1 MS. HAGAN: Mm-hmm.

2 MS. CANFIELD: We were not served with  
3 one dated May 3rd.

4 MS. HAGAN: Well, the May 3rd one --

5 THE REPORTER: I'm sorry. Could you  
6 please repeat that, Ms. Canfield?

7 MS. CANFIELD: I said -- we're going to  
8 have to pull it off the docket because I do not have  
9 one that's May 3rd. Are those two -- are those copies  
10 exactly the same?

11 MS. HAGAN: No. The May 3rd and the  
12 April 30th versions are not the same, Ms. Canfield.

13 MS. CANFIELD: Terrific.

14 MS. HAGAN: The May 3rd version is 32  
15 pages versus the April 30th being 29 pages.

16 MS. CANFIELD: All right. Let's take a  
17 five-minute.

18 MS. HAGAN: Mm-hmm.

19 THE REPORTER: The time is 3:22 p.m.  
20 We're off the record.

21 (Off the record.)

22 THE REPORTER: The time is 3:29 p.m.  
23 We're back on the record.

24 MS. CANFIELD: Thank you. And  
25 apologies to everyone for sharing the wrong complaint

Melissa Kaye

Page 199

1 that appears to be the -- I don't know if that was a  
2 proposed First Amended Complaint, but it's not the one  
3 that was eventually filed on the docket.

4 I do have the proper document now.  
5 It's ECF No. 29. It was filed on May 3, 2019.

6 BY MS. CANFIELD:

7 Q So, Dr. Kaye, the question I had for you  
8 earlier was whether or not you had an opportunity to  
9 review this before it was filed. You said no, but  
10 that you have subsequently had an opportunity to  
11 review all the allegations in the complaint.

12 And my question is other than typos, are the  
13 allegations factually correct, if you can recall?

14 A Yes. There's typos in there though, but  
15 yes. And regarding the shift change, you know,  
16 there's typos. But the shift change increased my  
17 hours to nine hours a day, and it made my start time  
18 at 8:00 a.m.

19 Q Right.

20 A So that was very hurtful.

21 Q Okay.

22 THE REPORTER: That was what, ma'am?

23 THE WITNESS: That was very hurtful.

24 THE REPORTER: Thank you.

25 //

1 BY MS. CANFIELD:

2 Q So I am going to scroll through some of the  
3 -- I don't want to say boilerplate, but it's just  
4 setting forth facts that are set forth in every  
5 complaint concerning venue and jurisdiction. And I  
6 want to go to --

7 A Concerning what? I'm sorry. Concerning  
8 what? I didn't --

9 Q Concerning venue and jurisdiction, just  
10 setting out and then hear who the parties are.

11 I'm going to get to sort of the meat of the  
12 complaint here, okay?

13 Now the first section -- the factual section  
14 is your background information. I'm assuming that the  
15 allegations here are correct?

16 A No.

17 Q That you have a bachelor's degree from the  
18 University of Colorado, and a medical degree from the  
19 University of Pennsylvania?

20 A No, that's not correct.

21 Q Okay. What is incorrect?

22 A I have a medical degree from the Medical  
23 College of Pennsylvania, and I did my residency at the  
24 University of Pennsylvania.

25 Q Okay. Thank you. The next paragraph says



1       you have "the following licensures and certifications:  
2       Diplomate of the American Board of Psychiatry and  
3       Neurology; Diplomate of the American Board of Forensic  
4       Psychiatry; and Diplomate of American Board of Child  
5       and Adolescent Psychiatry." Is that correct?

6           A       What was the date that this was filed?

7           Q       May 3, 2019.

8           A       That's correct, but incomplete.

9           Q       What would you add to that paragraph?

10          A       Well, it lists my board certifications, but  
11       my -- that's different than my licensing. And my  
12       licensure is a -- a license to practice medicine in  
13       the State of New York, and a license to practice  
14       medicine in the State of Pennsylvania which I put in  
15       inactive status.

16          Q       Okay. Thank you. And this factual -- that  
17       you worked as attending level three since 1999; is  
18       that correct?

19                   THE REPORTER: Could you please repeat  
20       that? I'm so sorry.

21                   MS. CANFIELD: Sure.

22       BY MS. CANFIELD:

23          Q       The paragraph that alleges that you worked  
24       as an attending physician level three since 1999; is  
25       that correct?

1 A At HNH.

2 Q At HNH. Okay. When you applied to HNH for  
3 a position, were you applying to the position of  
4 attending physician?

5 A I didn't know anything about the -- the  
6 lines or anything. I applied to work at the court  
7 clinic part-time. I was applying for a part-time job  
8 as a forensic evaluator at the court clinic.

9 Q Okay. And when you were first hired, did --  
10 were you working as a part-time psychiatrist at the  
11 court clinics?

12 A Yes.

13 Q Okay. And how long were you part-time?

14 A I was hired part-time in August 1999. And I  
15 worked part-time until May 2000.

16 Q Okay. And after May 2000, did you then go  
17 full-time?

18 A Correct. Yes.

19 Q And who did you report to working as a  
20 forensic psychiatrist?

21 A I reported to the director of the Division  
22 of Forensic Psychiatry who at the time was Robert  
23 Berger, M.D.

24 Q Okay. And --

25 A Rob Berger.

1 Q Rob Berger? Dr. Berger?

2 A Dr. Berger, yes.

3 Q Okay. And you were working at the Bronx  
4 Criminal Court building; is that correct?

5 A Correct.

6 Q Okay. And do you -- and what specifically  
7 were you doing at the Bronx Court Clinic in terms of  
8 your work? And when you went full-time in 2000.

9 A I was doing court-ordered forensic exams for  
10 CPL 730 -- Criminal Procedure Law 730. Orders for  
11 competency to stand trial, and I was doing CPL 390  
12 exams, which are pre-pleading exams -- presentence.

13 Q Any other type of exams?

14 A Those are the only two exams the court  
15 clinic was performing.

16 Q Okay. Any other type of work outside of  
17 examinations that the court clinic was performing?

18 A Was I doing other work through the court  
19 clinic besides 730 and --

20 Q And 390, yes. Correct.

21 A No.

22 Q Okay. Thank you.

23 A Well, I mean, I -- there were other tasks  
24 associated with my work.

25 Q Okay.

Melissa Kaye

Page 204

1           A     Like --

2                     THE REPORTER: I'm sorry. "Other  
3 tasks" --

4                     THE WITNESS: Associated with my work  
5 doing these 390 and 730 exams, like testifying.

6 BY MS. CANFIELD:

7           Q     Okay. And at any point did that change the  
8 type of work you were doing in the court clinics from  
9 2000 forward?

10          A     In 2004, I was promoted to medical director,  
11 so I then had the same forensic evaluation job duties  
12 and additional administrative work.

13          Q     Okay. At any point after 2004, following  
14 your promotion, did the type of work you were doing at  
15 the Bronx Court Clinic change?

16          A     It was always court-ordered 390 and 730  
17 exams.

18          Q     Okay. And did you ever do any work related  
19 to probation violations, or were those violations  
20 similar to the 390s?

21          A     No, I did not. There was -- in I think it  
22 was 2016 maybe, there was an administrative -- in  
23 Albany -- in Albany, there was an administrative  
24 amendment or change to the CPL 730 statute that said  
25 that designated parolees eligible for a CPL 730

1 competency exam.

2 So then at that time, there was no specifics  
3 about who was going to do it, where, or how it was  
4 going to be funded but it turned out that the way the  
5 amendment to the statute was interpreted was that it  
6 was to be done by the county in which the parolee was  
7 being held.

8 So they were 730 exams, but now they -- it  
9 was a different -- an expanded population. It was now  
10 parolees in addition to charged defendants --  
11 criminally-charged defendants.

12 So parolees were eligible for 730s, and  
13 because Rikers -- even though the bridge to Rikers is  
14 in Queens, the -- the island is in the water that is  
15 Bronx County. So any incident that happens at Rikers  
16 is a Bronx case.

17 So all of those parolees -- those 730 exams  
18 for parolees fell on the Bronx. And so we had to  
19 absorb -- absorb that.

20 Q How did that change the -- or did it change  
21 -- withdrawn.

22 How many additional 730s were you required  
23 to do on a monthly basis following the amendment to  
24 the 730 statute regarding parolees?

25 A Initially, it was about a 25 percent

1 increase in our volume of cases. As time went on and  
2 we cleared out the backlog, it -- it -- it ended up  
3 being maybe I would say three or four parole cases a  
4 month. But I --

5 Q When did it become approximately three to  
6 four parole cases a month? When did you clear up the  
7 backlog?

8 THE REPORTER: Please repeat the  
9 question. Sorry.

10 MS. CANFIELD: Sorry. I said -- why  
11 don't I just withdraw the question.

12 BY MS. CANFIELD:

13 Q When did you clear the backlog so as you  
14 only had about three or four parolee 730s --

15 A Well, you know, that's -- that's part of the  
16 retaliation that I experienced from CHS because they  
17 wiped out all our data. We had ten years of data on  
18 our computer with this very specific information in  
19 the computer, and the hard drive was wiped out. So  
20 they're trying to present it like the Bronx Court  
21 Clinic wasn't busy and we didn't see cases, which is  
22 absolutely not true. That data was in -- in our  
23 computer -- in LaKeisha Prasad's computer.

24 But I would say that, you know, I don't know  
25 how long it took to clear out that backlog. It was

1 months. Months and months.

2 Q Okay.

3 A And I didn't get any additional staff or  
4 additional funding, so it -- it fell on -- on me and  
5 Dr. Winkler alone to -- to -- to clean up those parole  
6 cases.

7 Q Okay. In 2015, who was -- who did you have  
8 on staff at the Bronx Court Clinic?

9 A Myself, LaKeisha Prasad, who is the ACM  
10 which stands for I think assistant -- assistant  
11 coordinating manager. And Dr. Barry Winkler, PsyD JD  
12 who was functioning as -- he had the title deputy  
13 director.

14 Q Okay. Was that the same in 2016?

15 A Dr. Winkler worked -- yes. Dr. Winkler  
16 worked for the clinic from 2008 until Elizabeth Ford  
17 pulled him in April 2018.

18 Q Okay. So from 2015 to 2018, up to April  
19 2018, he was in the clinic. And the clinic in the  
20 Bronx was staffed by yourself, LaKeisha Prasad and Dr.  
21 Winkler.

22 Do you know who staffed the Manhattan clinic  
23 in 2015?

24 MS. HAGAN: Objection.

25 You can answer.

1 BY MS. CANFIELD:

2 Q If you know. That's fine. If you don't  
3 know, that's fine, too.

4 A I believe Dr. Ford gave -- because when --  
5 when Steve Ciric moved from being an inpatient  
6 attending in the forensic unit at Bellevue, he was  
7 given that court clinic medical director job, that was  
8 under Dr. Ford. She was -- she was the director and  
9 she -- she gave him that position, and she gave him  
10 the physician specialist title. And --

11 Q Who else worked there with him?

12 A He worked there as the director. They had a  
13 lot of turnover with their part-time staff. And they  
14 had a kind of funky system where doctors worked part-  
15 time and they didn't really -- and they would come and  
16 go. You know, come and go. I mean, they would get  
17 hired, then they would quit, and they'd hire -- so  
18 there was so much turnover in staff in Manhattan, it  
19 was hard to keep up with -- but I know Myles Schneider  
20 was a psychiatrist that worked there for many years.  
21 I think --

22 Q I'm sorry. What was the name again?

23 A Myles Schneider.

24 Q Myles? Okay.

25 A Yeah. I think he was there for many years.



1 I think that they had some psychologists. I don't  
2 really know the names of -- they had some older part-  
3 time psychiatrists that quit and then they would hire  
4 people out of training, and then they would keep the  
5 job for a year or two and quit. So I don't remember  
6 the names, but I --

7 Q Okay.

8 A Yeah.

9 Q How would you say the volume of work  
10 compared between the Bronx Court Clinic and the  
11 Manhattan Court Clinic?

12 A I think, you know, there has been a lot of  
13 discussion about this. And the Manhattan Court Clinic  
14 had a higher volume. It covered the Port Authority  
15 and Penn Station and there was, you know, a lot of  
16 arrests on -- on that property. So they -- they  
17 definitely had a higher volume of cases and they  
18 definitely had more staff.

19 Q Okay. In terms of the Bronx Court Clinic,  
20 would you say that between 2004 -- well, withdrawn.

21 Would you say from after you cleared out the  
22 backlog of the parolee cases, was the volume at the  
23 Bronx Court Clinic pretty consistent from, say, 2014  
24 to 2018?

25 MS. HAGAN: Objection --

1 BY MS. CANFIELD:

2 Q Or were there fluctuations in the amount of  
3 730s and 390s that you were doing?

4 MS. HAGAN: Objection. It  
5 mischaracterizes her testimony. She said from 2016  
6 there was an amendment to the 730 statute -- the  
7 parolees. So that -- it's not 2014.

8 MS. CANFIELD: Okay.

9 THE WITNESS: Well, I would like to  
10 just clarify that I'm not positive that amendment  
11 happened in 2016. It happened around 2016, I think.

12 BY MS. CANFIELD:

13 Q Okay. Subsequent to the amendment and  
14 subsequent to you clearing out the backlog, in your  
15 estimation, were the number of 730 and 390  
16 examinations pretty consistent in terms of numbers  
17 from the time you cleared all those out to 2018?

18 A There was always a waxing and waning flow of  
19 work, and it corresponded with what was going on in  
20 the courts. Around the holidays, things would slow  
21 down. In August, usually things would slow down, but  
22 not always. But there would always be -- there was  
23 always busy -- busier periods and less busy periods.  
24 And there was some predictability to that, but not  
25 always.

1 Q Okay.

2 A There were months in August where we were  
3 really busy and yet the courts were half closed. So  
4 --

5 Q Okay. Okay.

6 A May I say something else or --

7 Q Yes, you may.

8 A I -- I do feel that I was miscategorized as  
9 -- as not working because for what -- you know, to try  
10 to -- I don't know. To defend this lawsuit or part of  
11 the retaliation. That's completely false.

12 And I wanted to say for the 20 years that I  
13 worked there, I never had sufficient staff. I never  
14 had enough staff to not be there. So if myself or Dr.  
15 Winkler took vacation, and we did, we would have to  
16 work double time to -- before and after our vacations  
17 to stay on top of the workload. Because when we were  
18 on vacation, no one else was doing the cases. And I  
19 had to -- I was the only director in the city who had  
20 to do half of every 730 exam because there has to be  
21 two evaluators. Every other director had enough staff  
22 that he -- that he could go to meetings -- or he or  
23 she could go to meetings and his staff could continue  
24 working and his service could continue operating. I  
25 was never afforded that. And it got worse after CHS

1       took over.

2               Once CHS took over in April 2008, when they  
3       -- when Dr. Ford pulled Dr. Winkler from my service, I  
4       did not have a full-time staff person up there again  
5       until December 2018. They had a part-time per diem  
6       person, Louise Mullan, she was only there a half a day  
7       a week, three days a week. So I had her in the  
8       mornings on Monday, Tuesday, and Thursdays. And she  
9       had to be out of there by 1:00 or whatever it was.  
10      And it -- it was just crippling to the service. And  
11      Dr. Ford had promised me -- and legal aid -- she would  
12      not pull Winkler out of the service until she had a  
13      replacement, and that's exactly the opposite of what  
14      she did. And she crippled the service. And the  
15      judges were upset and so was the -- so were the  
16      lawyers and the DAs.

17           Q       Well, let me ask you, from the time that you  
18      went over to the court clinics and then they hired  
19      someone full-time, they had Dr. Mullan and they  
20      eventually hired Dr. Brayton [ph], were you not  
21      interviewing other psychologists or psychiatrists for  
22      that position?

23                   MS. HAGAN: Objection as to form.

24                   You can answer if you understand the  
25      question.

1 BY MS. CANFIELD:

2 Q I guess what I'm asking is isn't it true  
3 that you were interviewing? You were actively  
4 interviewing candidates, but that you were not happy  
5 with the candidates that presented?

6 MS. HAGAN: Objection. Assumes facts  
7 not in evidence.

8 THE WITNESS: Initially, Dr. Winkler  
9 and Dr. Jain would come up to the Bronx and we would  
10 interview prospective candidates. I know we  
11 interviewed one -- one person in particular who had no  
12 forensic training or experience, and we all three  
13 agreed that it would be problematic for him to try to  
14 do the work. And he was deemed not appropriate for  
15 the position.

16 And then we interviewed someone else.  
17 I can't remember who it was. Oh, yeah. And there was  
18 someone else who -- who didn't demonstrate any real  
19 understanding of the work and had no experience. And  
20 -- but the -- I know that they had a plethora of extra  
21 staff in Queens and they were just sitting around  
22 doing nothing. And they didn't send any doctors up  
23 from Queens. And Dr. Jain was supposed to be helping  
24 out as part of his role.

25 And after I had a serious discussion

1 with him in April, he refused to speak to me since  
2 April -- I mean, not April. It was October 2018. He  
3 wouldn't do cases with me. He wouldn't talk to me.  
4 He wouldn't help out in -- in the court clinic when I  
5 was out. I had to take leave for various reasons,  
6 also related to the shift change and the hardship it  
7 was causing.

8 He didn't even come up to the service  
9 to make sure things were running okay. He just, like,  
10 let it die on the vine.

11 And so --

12 BY MS. CANFIELD:

13 Q -- from October 2018?

14 A Yeah. I'm saying that he neglected the  
15 Bronx Court Clinic because he -- and he -- even after  
16 -- when there was, like, a dire staffing need, he  
17 wasn't coming up and doing cases. He wasn't letting  
18 me -- I offered to go down into other boroughs and do  
19 cases with people in other borough. I offered to do  
20 half of the 730 exams in the Bronx and they could send  
21 the defendant someplace else for the second half.

22 I -- I did -- I made so many efforts to be a  
23 team player, to try to get the work done, and I was  
24 just left in my office for six weeks. I think I only  
25 saw, like, three exams and one of them -- or two of

Melissa Kaye

Page 215

1       them was because a judge got so angry that it wasn't  
2       done that he started making phone calls, so they sent  
3       Dr. Winkler up there.

4           Q       Okay. Well, let's try to say kind of with  
5       some timeframes. Because you said a lot right there  
6       and I think you were talking originally regarding  
7       October 2018. Then I think what you were just  
8       testifying to was some events that you're claiming  
9       happened right before you resigned. Am I correct?

10          A       I --

11          Q       So we need to put them in a little bit more  
12       of an order. And so they're -- they -- so we can pin  
13       down what you're referring to and what timeframe.

14                 So it seems though to me --

15                   MS. HAGAN: Objection -- the record.

16                   THE REPORTER: I'm sorry, Ms. Hagan.  
17       Please repeat what you said.

18                   MS. HAGAN: Objection. Ms. Canfield is  
19       trying to characterize Dr. Kaye's testimony and she's  
20       testifying onto the record.

21                   So if you want to ask questions to  
22       ensure that's what Dr. Kaye was saying, then that  
23       would be permissible rather than you trying to  
24       interpret what she said.

25                   MS. CANFIELD: That's fine.

Melissa Kaye

Page 216

1 MS. HAGAN: -- please.

2 BY MS. CANFIELD:

3 Q Dr. Kaye, are you saying that Dr. Jain did  
4 not email or assist you at all at the Bronx Court  
5 Clinic from October 2018 until the time you resigned?

6 A No. I'm not saying -- I'm not speaking in  
7 absolutes. I'm saying that after I told Dr. Jain  
8 about my EEO complaint and after I had told Dr. Jain  
9 and I spoke up at a division -- a director meeting for  
10 the FPECC -- that's Forensic Psychiatry Evaluation  
11 Court Clinics -- there was a directorship meeting in  
12 -- I don't even -- it might have even been before I  
13 worked formally for CHS. Because like I said, they  
14 had pretty much absorbed us by April, even though the  
15 formal switch didn't happen until July.

16 But I -- I complained about the ethical  
17 violations I -- of the private practice policy. I was  
18 concerned about how it was perpetuating fraud on the  
19 Court. And I expressed that and I -- and I complained  
20 directly at the meeting. And I complained to Dr. Jain  
21 afterwards. And it's right around that time I told  
22 them about my EEOC complaint. And the next day, he  
23 called me up and he was very stern and he said, "I am  
24 going to report you -- I am going to have to report  
25 you to Jonathan Wangel."



1                   And then after that, he started picking on  
2                   me. I mean, I had been denied access to any Chronos  
3                   [ph] up there. They took over -- we were doing --

4                   Q       Okay. Okay. I'm going to stop you because  
5                   we're going to go through the complaint. We're going  
6                   to go through the complaint so we can speak to these  
7                   one by one, okay? Because you're on a roll.

8                   All right. So the first part of the  
9                   complaint, beginning at paragraph 34, talks about the  
10                  allegations concerning pay equity. That you believe  
11                  you were paid up to \$35,000 less than your male  
12                  comparators, despite having more experience and  
13                  credentials.

14                  I'm going to skip that because we -- I think  
15                  we exhausted that topic. Your counsel's free to cross  
16                  you on that after we're finished, but I believe that  
17                  we're finished with this portion.

18                  But I do want to talk to you about -- you  
19                  testified earlier about having a meeting with Mr.  
20                  Wangle and Ms. Laboy about your compensation. And you  
21                  also testified this morning that you were not offered  
22                  a managerial position -- that it was never offered to  
23                  you. And I just want to show you that email that you  
24                  sent --

25                  A       And I didn't say it wasn't offered. I said

Melissa Kaye

Page 218

1 Dr. Ford sent me this email saying I would have to  
2 give up my union benefits if I were to get -- if I  
3 wanted pay parity -- what had been going on for the  
4 last six years and longer at Bellevue.

5 Q So you would have to go into a managerial  
6 title, which would -- okay.

7 A Which wouldn't have been pay parity because  
8 Steve Ciric --

9 THE REPORTER: I'm sorry. Repeat what  
10 you just said, Ms. Kaye.

11 THE WITNESS: Yes. I -- I was told I  
12 would have to give up my union benefits if I wanted  
13 "pay parity." But it wouldn't have been pay parity to  
14 my comparator, which was Steve Ciric, because he was  
15 in the union and he didn't have to give up the union  
16 to be in a physician specialist line. That's what I  
17 was asking for, to be the same as him.

18 BY MS. CANFIELD:

19 Q Right, right. But he never made it over the  
20 transition from Bellevue to CHS; isn't that correct?

21 A Right. But this is all --

22 Q So at that time, he would not have been a  
23 proper comparator because he was not coming over; is  
24 that correct?

25 A No, I disagree because it was all HHC and I

1 began complaining about this when I was still working  
2 at Bellevue. And I had brought it to Bellevue's  
3 attention and I was told that I couldn't change my  
4 line, but that information was incorrect, at least at  
5 CHS where people's lines were getting changed and also  
6 -- I understand Steve Ciric's line was changed from  
7 attending three to physician specialist when he  
8 transitioned out of his treatment in a chief role at  
9 Bellevue to director of the Manhattan Court Clinic.

10 Q All right. I have emails a series of emails  
11 -- this document was produced by the plaintiff.  
12 There's Bates stamp numbers K000035, 36 to 37. And  
13 this appeared --

14 (Exhibit C was marked for  
15 identification.)

16 MS. HAGAN: -- please, since we haven't  
17 had an opportunity to look at it beforehand.

18 THE REPORTER: I'm sorry, Ms. Hagan.  
19 Please repeat what you said.

20 MS. HAGAN: I'd like to look at Exhibit  
21 C. Is this Exhibit C as in Cat, Ms. Canfield?

22 MS. CANFIELD: Yes, ma'am. Yes, ma'am.

23 MS. HAGAN: I'd like to look at it.  
24 Could you please scroll down?

25 MS. CANFIELD: Yes.

Melissa Kaye

Page 220

1 MS. HAGAN: I'd like to have Dr. Kaye  
2 to have an opportunity to look at the document. So  
3 I'd like to look at it from the beginning of the  
4 thread, which is probably at the end of the document.

5 MS. CANFIELD: This is the end. This  
6 is the end of the document. It's an email dated April  
7 30th from Dr. Kaye to Jessica Laboy and Jonathan  
8 Wangel. The subject is "Melissa Kaye BHC to CHS line  
9 change."

10 MS. HAGAN: Okay.

11 BY MS. CANFIELD:

12 Q It says, "Hello Mr. Wangel and Ms. Laboy.  
13 Thank you for taking the time to talk with me about  
14 the pending change of my line on July 1, 2018. I  
15 understand from our conversation that everything will  
16 stay the same and nothing will change when my line is  
17 transferred from Bellevue to CHS. My current benefits  
18 and job duties are:" --

19 MS. HAGAN: Okay. Keep going.

20 BY MS. CANFIELD:

21 Q I just want to direct your attention to  
22 number two where it says, "I will not be taken out of  
23 Doctors Council and put on a non-unionized managerial  
24 title [sic]."

25 MS. HAGAN: Could you please tell her

1 to continue to read the document, Ms. Canfield? The  
2 entire document.

3 MS. CANFIELD: That's fine, but I'm  
4 going to go back to paragraph number two.

5 MS. HAGAN: I'd still like to read the  
6 entire document, please. Thank you.

7 MS. CANFIELD: I sent it to you.

8 MS. HAGAN: Well, when?

9 MS. CANFIELD: I just sent it to you.

10 MS. HAGAN: We're trying to look at the  
11 document. Dr. Kaye doesn't have it.

12 BY MS. CANFIELD:

13 Q Let me know, Dr. Kaye, when you want me to  
14 scroll down further.

15 A Okay. It sounds like I'm listing some of  
16 the benefits of my -- my employment and unionized line  
17 that corresponds to being told I would be  
18 grandfathered in and nothing would change. I don't  
19 think I hit every single point, but it's a partial  
20 list.

21 Q Okay. So again, directing your attention to  
22 paragraph number two in which you write, "I will not  
23 be taken out of Doctors Council to be put on a non-  
24 unionized managerial line."

25 This suggests to me that you had a

1 discussion with Ms. Laboy and Mr. Wangel about  
2 possibly going into a managerial line.

3 MS. HAGAN: Objection.

4 BY MS. CANFIELD:

5 Q Is that correct?

6 A That's false.

7 Q That is correct?

8 MS. HAGAN: No, she --

9 MS. CANFIELD: I'm sorry.

10 THE WITNESS: It's false. I did not  
11 have a discussion about that specifically, but I did  
12 have a discussion about that with Dan Mundy who was  
13 squirming a lot about making that decision, because he  
14 was forced to.

15 See, he was not the director of the  
16 Manhattan Court Clinic. Had he been the director of  
17 the Manhattan Court Clinic at the time of the  
18 rollover, he would have been in a unionized line and  
19 he would have been in the same position that I was in.  
20 He would have rolled over as a unionized manager,  
21 "managerial line." But he did not have that choice  
22 because when he was working at the Manhattan Court  
23 Clinic, he was a part-time forensic evaluator. Steve  
24 Ciric was the director in a unionized line. And so  
25 when Steve Ciric left and that position opened up, it

Melissa Kaye

Page 223

1 became -- they just -- they closed out the -- the  
2 unionized director line and turned it into a  
3 managerial line, and then --

4 BY MS. CANFIELD:

5 Q And I'm sorry, how do you know this?

6 A Because it's -- it's what happened.

7 Q No. I'm saying how do you know this  
8 happened?

9 A Because Steve -- it's just -- Steve Ciric  
10 was in a unionized --

11 Q No, no, no. I need to know who told you  
12 that's what happened? That sounds like something  
13 that's administrative. I want to know how you learned  
14 that and who told you -- who knows -- who would have  
15 personal knowledge that that is exactly what happened?

16 A As I said --

17 Q Versus scuttlebutt, hearsay, rumor.

18 MS. HAGAN: Objection.

19 Mischaracterizes -- argumentative.

20 THE WITNESS: I --

21 THE REPORTER: I'm sorry. You're all  
22 talking over each other.

23 Ms. Hagan, can you please repeat what  
24 you just said?

25 MS. HAGAN: First off, it's

1 argumentative. I also want Dr. Kaye to have the  
2 opportunity to read the rest of the email because  
3 there's more to this email. Could you please scroll  
4 up further, Ms. Canfield, before she finishes her  
5 question -- or answer?

6 MS. CANFIELD: The other email is  
7 completely unrelated.

8 MS. HAGAN: Ms. Canfield, you showed  
9 this as Exhibit C and Dr. Kaye --

10 MS. CANFIELD: Ms. Hagan, you have a  
11 copy. I'm not going up. You just -- you're being  
12 argumentative for the sake of being argumentative.

13 MS. HAGAN: Well -- because --

14 THE REPORTER: I'm sorry. I missed  
15 everything you just said, Ms. Canfield.

16 MS. HAGAN: First off --

17 MS. CANFIELD: I said I'm not scrolling  
18 up. This is my deposition. Ms. Hagan, you have a  
19 copy of the document. I do not need to -- the witness  
20 if it's unrelated.

21 MS. HAGAN: -- Dr. Kaye has an  
22 opportunity to read the rest of the exhibit.

23 THE REPORTER: Ms. Hagan, please start  
24 over what you just said.

25 MS. HAGAN: I said we're just going to



1 have to wait until Dr. Kaye has an opportunity to read  
2 the rest of the exhibit, and I can forward that to her  
3 now.

4 Now the judge said that they're  
5 supposed to be contemporaneously provided, which means  
6 --

7 MS. CANFIELD: It is provided.

8 MS. HAGAN: -- had the opportunity --  
9 she should have it too then. She should have it too  
10 and she does not.

11 MS. CANFIELD: I will scroll up. This  
12 is a completely separate email that you sent -- two  
13 months later. And I'm not going to question you on  
14 this right now.

15 MS. HAGAN: It's in the exhibit and  
16 she's talking about --

17 MS. CANFIELD: Ms. Hagan, please stop.  
18 Please stop. We're going to be here until 8:00 if you  
19 don't stop interrupting.

20 MS. HAGAN: All right.

21 BY MS. CANFIELD:

22 Q Dr. Kaye, you say here in the second  
23 sentence of this email: "I understand from our  
24 conversation that everything will stay the same."  
25 Are you telling me that you did not talk about not

Melissa Kaye

Page 226

1       being taken out of Doctors Council, but you put it in  
2       the email anyway?

3               I do not --

4           A     I -- I -- I can tell you that I knew from  
5       talking with Dan Mundy --

6           Q     I don't want to hear about that. I want to  
7       hear about what did you talk about with Mr. Wangle and  
8       Ms. Laboy?

9               You're telling me on the record under oath  
10      that you did not discuss remaining in the union and  
11      not going into a managerial title?

12               MS. HAGAN: Objection.

13      BY MS. CANFIELD:

14           Q     You did not discuss Dr. Mundy's situation?  
15      Is that what you're telling me?

16           A     Well, I'm saying --

17               MS. HAGAN: -- email above as to why  
18      she talked about --

19               THE REPORTER: Ms. Hagan, please repeat  
20      what you just said.

21               MS. HAGAN: Why Dr. Kaye mentioned the  
22      managerial discussion in this email is in the email  
23      above --

24               MS. CANFIELD: It's not. She just  
25      forwards it to someone else. This happened two months

1 before, Ms. Hagan. You're testifying. I want the  
2 witness to answer my question.

3 THE REPORTER: I'm sorry. I'm sorry.  
4 You're both talking. I need you both to talk one at a  
5 time. I'm sorry. The record is not going to be good  
6 if you don't speak one at a time.

7 MS. HAGAN: It happened a month later.  
8 And again, it explains the rationale as to why Dr.  
9 Kaye had mentioned the discussion of managerial -- the  
10 managerial -- the transition from managerial line.  
11 The --

12 MS. CANFIELD: Ms. Hagan, you're  
13 testifying now. Please.

14 BY MS. CANFIELD:

15 Q Dr. Kaye, I wanted to know --

16 MS. HAGAN: You need to let --

17 MS. CANFIELD: Ms. Hagan, please. Ms.  
18 Hagan.

19 MS. HAGAN: You need to let her read  
20 the exhibit the way you insisted that --

21 THE REPORTER: I'm sorry. Ms. Hagan, I  
22 didn't hear what you said.

23 MS. HAGAN: Ms. Canfield insisted  
24 during my depositions that all of her witnesses got a  
25 chance to read the entire exhibits that she provided

Melissa Kaye

Page 228

1 -- that I provided. Dr. Kaye should have that same  
2 luxury. I don't have that luxury. She --

3 MS. CANFIELD: Is this a childish tit  
4 for tat at this point? If so, I will assuage your  
5 concerns.

6 MS. HAGAN: Yes, please.

7 MS. CANFIELD: Okay? This --

8 MS. HAGAN: From the beginning.

9 MS. CANFIELD: This is completely  
10 unrelated.

11 MS. HAGAN: Number two -- let's please  
12 -- no, it's not.

13 MS. CANFIELD: This actually buttresses  
14 my argument. So read it.

15 MS. HAGAN: Keep going. Yes. And then  
16 keep going.

17 MS. CANFIELD: I will when Dr. Kaye  
18 tells me that she has read the email.

19 THE WITNESS: Okay. Okay.

20 MS. CANFIELD: Okay.

21 MS. HAGAN: Could you scroll up first?  
22 Further up to the end of the email.

23 MS. CANFIELD: This is it.

24 MS. HAGAN: Okay.

25 //

1 BY MS. CANFIELD:

2 Q So my question is to you, again, you  
3 testified that you did not talk to Mr. Wangen and Ms.  
4 Laboy about the fact that you're going to stay in your  
5 unionized title and not move to a managerial line.  
6 This email suggests otherwise.

7 A No. That's not -- that's not accurate  
8 because I talked to them about being in Doctors  
9 Council union and all the associated benefits with  
10 Doctors Council union. So by definition, that means  
11 I'm not being moved out of Doctors Council union into  
12 a managerial line.

13 Did they say to me, "Oh, we want you to move  
14 into a managerial line so you can have pay parity"?  
15 No, they did not.

16 Did they --

17 Q Did they say you're welcome to move into it  
18 or did you ask and say, "May I move into a managerial  
19 line so I can have pay parity"? Did you ask to be  
20 moved into that line?

21 MS. HAGAN: Objection. You need to let  
22 her finish her answer. Please let her finish her  
23 answer.

24 THE WITNESS: I think I made it clear  
25 when I got that email from Dr. Ford with this nebulous

1 enticement into taking a managerial line and giving up  
2 benefits in the union. I thought shew as trying to  
3 lure me into a position where they could fire me at-  
4 will because I had picked up hostility and -- and --  
5 and she had been marginalizing me. And she had not  
6 treated me fairly since I worked for her. So I was --  
7 I was leery of that and it was something I was not  
8 interested in. So I did possibly emphasize to Laboy  
9 and Wangel that, you know, I wanted -- that, you know,  
10 I -- Doctors Council union said I was being  
11 grandfathered in as-is, and nothing's going to change.  
12 And Wangel kept saying, "Everything's going to stay  
13 exactly the same. Exactly the same. Exactly the  
14 same." The only difference is is that the monies used  
15 to pay you are going to flow through CHS rather than  
16 Bellevue.

17 I never asked or made any indication  
18 that I wanted to change to a managerial line. And it  
19 was actually the opposite for all the reasons that  
20 I've previously discussed.

21 BY MS. CANFIELD:

22 Q Right.

23 A I wanted to stay in Doctors Council union.  
24 I wanted to stay in my unionized leadership role --  
25 semi-leadership role. And I had had conversations --

1 multiple conversations with Dan Mundy and he was  
2 getting pressured to take that job as director in a  
3 managerial line. And he -- he --

4 Q We can get an affidavit from Dr. Mundy on  
5 what he did or did not say or how he felt. Let me ask  
6 you this question.

7 MS. HAGAN: Objection.

8 MS. CANFIELD: Aren't you the -- hold  
9 on.

10 BY MS. CANFIELD:

11 Q Isn't it true that you were the only  
12 director at the court clinic who did not take a  
13 managerial line?

14 MS. HAGAN: Objection as to form.

15 THE WITNESS: I was the only director  
16 who rolled over in a managerial line. Dr. Mundy was  
17 newly hired as a new director under CHS. Dr. Winkler  
18 was newly hired as a director under CHS. And  
19 Elizabeth Owen had been in a managerial line at Kings  
20 County.

21 So I was the only director who rolled  
22 over in a non-managerial line -- in a unionized line  
23 -- and I was told, and my union was told, that I would  
24 be allowed to stay in that -- in a unionized line.  
25 And so that's one of the promises that was made to me.

Melissa Kaye

Page 232

1 BY MS. CANFIELD:

2 Q Okay.

3 A And then -- I'm sorry, but then to -- you  
4 know, because I was trying to fix a longstanding pay  
5 parity issue, it was presented to me that that  
6 wouldn't be something that could be fixed unless I was  
7 -- there was a coercive attempt to make me get out of  
8 the unionized line just to fix a longstanding pay  
9 parity issue with my comparator, who was in a  
10 unionized line.

11 So it seemed -- it didn't -- I mean, it's  
12 like apples and oranges. They're -- they're two  
13 different --

14 Q Right. But we've already established --

15 THE REPORTER: I'm sorry. "Apples and  
16 oranges." Two different what?

17 THE WITNESS: Issues.

18 THE REPORTER: Thank you.

19 BY MS. CANFIELD:

20 Q But we've already established that Dr. Ciric  
21 did not make the transition to CHS.

22 MS. HAGAN: Objection.

23 THE WITNESS: Please. I was told that  
24 if I transitioned to CHS, that I would -- nothing  
25 would change. Nothing with my job and my working



1 conditions would change, and that I would be permitted  
2 to stay in my unionized line. I was told that.

3 MS. CANFIELD: Right. Right. I  
4 understand. I understand.

5 BY MS. CANFIELD:

6 Q Okay. So you allege in the complaint that  
7 after making the transition to CHS and remaining in  
8 your unionized line, you made the complaint that you  
9 still were not being paid as well as the other  
10 directors. Meaning Dr. Mundy, Dr. Winkler and Dr.  
11 Owen; is that correct?

12 A My -- my direct comparators, you know, it's  
13 -- the way the lines work and the way pay structures  
14 work at HHC, you know, whether you're an M.D. or a  
15 psychologist, has -- has bearing on -- generally on  
16 your -- on your pay. And what I was asking and -- and  
17 M.D.'s are typically paid more. And all I was asking  
18 -- and it was an easy fix. And if -- and it was just  
19 out of retaliation and spite and trying to get rid of  
20 me because I was speaking up for defendants' due  
21 process rights and constitutional rights, that all  
22 they needed to do was change my line to physician  
23 specialist and give me a comparable pay to what Steve  
24 Ciric was making. And without the longevity pay,  
25 without the retention bonus included as my base

1 salary. And it was an easy fix because that's what --  
2 they were changing lines. It was something that could  
3 be done and I had been misled, for whatever reason,  
4 and I don't know if that was intentional on Dr.  
5 Badaracco's part or not. I'd like to think not, but I  
6 was told my line couldn't be changed to address this  
7 problem.

8 Then at CHS, lines are getting changed for  
9 unionized employees and I requested for my line to be  
10 changed to physician specialist with the commensurate  
11 pay increase, and it was an easy fix. I didn't need  
12 to be coerced or forced out of the union because, you  
13 know, my entire career at HHC to date of my EEOC  
14 complaint was -- my male comparator was a unionized  
15 employee.

16 So that's what the basis of my complaint  
17 was. A male comparator who was in the union, was in a  
18 higher title -- a higher paying title -- and I just  
19 wanted the same as him. That's all.

20 Q Okay.

21 A I wasn't asking for something unusual.

22 Q Okay. So you sent Dr. Yang an email. You  
23 complained about pay parity. Your attorneys at the  
24 time thereafter -- Bantle & Levy -- and I cannot show  
25 all the exhibits because I think we can agree your

1 attorneys at the time sent a letter about pay parity;  
2 is that correct?

3 A Yes. I believe they were speaking with  
4 Blanche Greenfield.

5 Q Right. Then thereafter, you filed a  
6 complaint with the EEOC, correct?

7 A Correct.

8 Q Okay. And as you testified earlier, you  
9 said that you revealed to Dr. Jain that you had filed  
10 a complaint with the EEOC.

11 So my question is why did you disclose that  
12 to Dr. Jain? What did you hope to accomplish?

13 MS. HAGAN: Objection as to form and  
14 argumentative.

15 You can answer.

16 THE WITNESS: I wanted to be open and  
17 transparent. And I -- it was -- he was new in the  
18 position and I was trying to help and support him.  
19 And I didn't want him to get blindsided by someone  
20 else. And I thought it was respectful and  
21 professional for me to inform him myself so that he  
22 wouldn't be caught flatfooted as my direct report.  
23 And I told him about it.

24 One, I thought that it was the  
25 respectful thing to do for -- to inform my supervisor

1 because supervisors generally want to know what's  
2 going on before they hear about it from somebody else.

3 And two, I had hoped that he would help  
4 me just fix this problem. It wasn't, to me, a hard  
5 fix. It wasn't something that was complicated.

6 Unfortunately, after I told him, he --  
7 he started retaliating against me. He called me the  
8 next day. He was very stern. He said he reported me  
9 to Jonathan Wangel and --

10 BY MS. CANFIELD:

11 Q Let me stop you right there. When you say  
12 "reported you," what did he report you -- you make it  
13 sound like it's punitive. What do you mean he  
14 reported you? Did you do something?

15 MS. HAGAN: Objection as to form.  
16 Argumentative.

17 THE WITNESS: His tone was stern and  
18 punitive. He acted like I had done something wrong.  
19 He had -- he treated it and he made it sound like I  
20 was being reported, and he used it in a stern,  
21 punitive tone. And yeah, to him, I guess -- I guess  
22 it was punitive.

23 BY MS. CANFIELD:

24 Q Okay.

25 A And then this was -- and this was right

Melissa Kaye

Page 237

1 around the transition -- the official transition. Not  
2 the unofficial transition, which started happening  
3 much earlier, as I said. You know, in April, if not  
4 before.

5 And the official switchover for my time  
6 being -- was -- last day on the payroll at Bellevue  
7 was June 30th. First day on the payroll at CHS was  
8 July 1st.

9 Q Right.

10 A And --

11 Q Can I ask a question? Before you revealed  
12 to Dr. Jain that you had filed an EEOC charge, had you  
13 been speaking with him about pay parity and asking him  
14 to assist you?

15 A I spoke to -- there was an April meeting in  
16 -- at Water Street -- 55 Water Street in April. And  
17 there was a lot of different people -- court clinic  
18 people. And I don't -- maybe Elizabeth Ford was there  
19 and -- and then after that meeting, I -- I approached  
20 Dr. Ford and Dr. Jain and I told them about the pay  
21 parity issues and my concerns --

22 Q Right.

23 A -- about pay parity. So then Dr. Ford, you  
24 know, escorted me over to talk to Jessica Laboy and  
25 Jonathan Wangel.

1                   And so I had told him about -- I had brought  
2                   it up verbally to both of them in April.

3                   Q       Okay. And that's around the time that you  
4                   met with Jessica Laboy and Jonathan Wangel as  
5                   reflected in the email that we just reviewed. The  
6                   email dated April 30th; is that correct?

7                   A       It was --

8                   Q       Yes. Okay. Okay. When you met with  
9                   Jonathan --

10                   THE REPORTER: I'm sorry. Please  
11                   repeat the answer.

12                   THE WITNESS: It was the same day.

13                   BY MS. CANFIELD:

14                   Q       Okay. When you met with Mr. Wangel and Ms.  
15                   Laboy, was your union present?

16                   A       No.

17                   MS. HAGAN: Objection.

18                   BY MS. CANFIELD:

19                   Q       Okay. Did you have subsequent meetings with  
20                   Mr. Wangel and Ms. Laboy where your union was present  
21                   concerning the terms and conditions of your  
22                   employment?

23                   A       Yes.

24                   Q       Okay. Now in your complaint, you allege  
25                   that you believe that your title, which was proposed

1 to be changed from medical director to director, was  
2 retaliatory for filing your EEOC charge; is that  
3 correct?

4 A It was one of many things that was  
5 retaliatory.

6 Q Okay. My question is why do you believe  
7 that the decision to change not just your title, but  
8 to make everyone's title director was retaliatory for  
9 filing your EEOC charge?

10 MS. HAGAN: Objection as to the form.  
11 It assumes facts that were not put into evidence.  
12 There's no foundation. Counsel's testifying.

13 MS. CANFIELD: You can answer.

14 MS. HAGAN: Plaintiff doesn't  
15 necessarily agree if everyone's title was changed.

16 MS. CANFIELD: Okay. So she can  
17 testify.

18 MS. HAGAN: Mm-hmm.

19 THE WITNESS: So again, I was promised  
20 by Jessica Laboy and Jonathan Wangel in April, that  
21 day that I spoke to them -- Jonathan Wangel was like a  
22 mantra. He kept saying, "Everything's going to be  
23 exactly the same. Nothing will change." Like, no  
24 matter what I would bring up to me, he'd say,  
25 "Nothing's changing. Everything's going to be" -- and

1 I went through a litany of things, verbally, and then  
2 I recaptured some of them in that email. Maybe not  
3 all of them. And he just would always say the same  
4 thing. And he assured me that nothing would change.

5 And, you know, be -- so I made a  
6 decision based on his what I considered a verbal  
7 agreement -- contract -- a verbal agreement with me  
8 and my union that I was going to be grandfathered in  
9 -- unionized with my benefits. And my longevity pay  
10 and my -- my corporate title, my functional title.

11 And so then suddenly, like, I mean I  
12 don't -- I -- it was like right after, like, I -- I  
13 complained about pay parity, all the sudden I'm, like,  
14 getting this change in my title which, you know, was  
15 problematic and reflected a demotion. To me, it was a  
16 demotion.

17 For my work and what I do, and in the  
18 eyes of people that I work with, it reflected a  
19 demotion.

20 BY MS. CANFIELD:

21 Q How did you first learn that there was a  
22 talk of changing the title from medical director to  
23 director?

24 A I -- I'm trying to think. I think I got an  
25 email from Andrea Swenson telling me that my title had



1       been changed.

2           Q       Okay. And what was the email in relation to  
3       other than the fact that your title had been changed?

4           A       Actually, let me ask you this. Was it in  
5       relation to business cards that you learned that there  
6       had been a decision to change all the directors of --  
7       change all of the heads of the court clinics to a  
8       director title?

9           A       Well --

10           MS. HAGAN: Objection.

11           THE WITNESS: -- I mean, I don't know  
12       that that characterizes it correctly because changing  
13       titles --

14       BY MS. CANFIELD:

15           Q       The question is is that how you learned of  
16       the change? Through the email from Andrea Swenson  
17       concerning business cards.

18           A       Some people were new to the position, so  
19       whatever title they -- didn't have a previously title.  
20       And --

21           Q       Now my question is was it in connection with  
22       business cards?

23           A       It was -- it was like three days --

24           MS. HAGAN: Objection.

25           THE WITNESS: -- it was three days

1 after I filed my EEOC complaint. The next thing I  
2 know is I'm being told that I'm no longer medical  
3 director.

4 The reason I found that -- I found it  
5 retaliatory and I also found it a demotion because  
6 that --

7 BY MS. CANFIELD:

8 Q That's not my question. My question is  
9 isn't it true you first heard about the decision to  
10 have everyone referred to as directors was when Andrea  
11 Swenson sent out an email about business cards?

12 MS. HAGAN: Objection.

13 THE WITNESS: She wanted to put me --

14 MS. HAGAN: Objection.

15 THE WITNESS: She wanted me -- she put  
16 me on those business cards as my title. She did not  
17 put me down as medical director. She put me down as  
18 director.

19 So yes, it was -- she was going to  
20 implement that demotion on my business card.

21 BY MS. CANFIELD:

22 Q Okay. Let me ask you this. Were the  
23 business cards ever printed?

24 MS. HAGAN: Objection.

25 THE WITNESS: I got a box of them, yes.

Melissa Kaye

Page 243

1 MS. CANFIELD: Okay. And --

2 THE REPORTER: Please repeat the  
3 answer.

4 THE WITNESS: I got -- I was given a  
5 box of the business cards, yes.

6 BY MS. CANFIELD:

7 Q Okay. And what was your title on the  
8 business card?

9 A Director.

10 Q Okay. And do you know -- have you ever seen  
11 Dr. Winkler's business card as head of Brooklyn Court  
12 Clinic?

13 A I don't know if I -- I don't know. Dr.  
14 Winkler's not a physician, so the medical director  
15 issue wouldn't pertain to him.

16 Q Okay. But my question was have you seen his  
17 business card?

18 A I don't -- I -- she sent copies of people's  
19 business cards. I don't know -- I don't know if  
20 everybody's was included, so I -- I don't remember.

21 Q Okay. Did you see -- ever see a copy of Dr.  
22 Owen's business card?

23 A I believe that -- like I said, I believe  
24 that in that email, she sent copies. I'm trying to  
25 think if --

Melissa Kaye

Page 244

1           Q     I want to know -- after you received your  
2 box of cards, I want to know if, after you received  
3 your box of cards, if you saw a business card from Dr.  
4 Winkler or Dr. Owen? An actual business card, not  
5 what was in the email, but the actual business card.  
6 Did you see --

7           A     At the -- at a division meeting -- a  
8 forensic -- an FPECC -- FPECC stands for Forensic  
9 Psychiatry Evaluation Court Clinics. And -- division  
10 director meeting with Jain -- it would be Dr. Jain,  
11 Dr. Mundy, Dr. Owen and Dr. Winkler.

12          Q     Okay. And you saw Dr. Owen and Dr.  
13 Winkler's business card?

14          A     Dr. Jain handed out everybody boxes of --  
15 their box of their business cards.

16          Q     Okay.

17          A     Now did I -- at other people's business  
18 cards? I really don't know.

19          Q     Okay. Did you see what Dr. Mundy's business  
20 card said on his box of business cards?

21          A     I -- I don't know. I mean, Dr. Mundy was a  
22 new director. He wasn't getting a change in title.  
23 This was his given title that he was hired into.

24          Q     Okay. Okay. But he's a medical doctor,  
25 correct?

Melissa Kaye

Page 245

1           A       Correct.

2           Q       Okay. Now are you aware that there's been  
3 evidence in the record -- and I'm sure that your  
4 attorney's going to object to this, but that some  
5 people at CHS thought you had quit your position in  
6 the beginning of June 2018?

7                   MS. HAGAN: Objection.

8                   THE WITNESS: I'm sorry. I'm getting  
9 this bizarre phone call. I don't know if it relates  
10 to my children. I'm asking permission from Counsel to  
11 take this call?

12                  MS. CANFIELD: Yes. Take five.

13                  THE REPORTER: The time is 4:25 p.m.  
14 We're off the record.

15                               (Off the record.)

16                  THE REPORTER: The time is 4:34 p.m.  
17 We're back on the record.

18 BY MS. CANFIELD:

19           Q       You can answer.

20           A       Okay.

21                   MS. HAGAN: Objection on the record.

22                   MS. CANFIELD: Okay.

23                   THE WITNESS: Yes. I -- the amount of  
24 unsubstantiated rumor and falsehoods that would swarm  
25 around with CHS and Patsy Yang and all of her

1 employees was astounding. There were constant rumors  
2 and it was like a big game of Red Robin. And the  
3 amount of falsities that were in these emails, and  
4 mistruths and distortions is mind boggling. So I am  
5 not surprised to learn that there was that false  
6 rumor.

7 BY MS. CANFIELD:

8 Q Okay. So prior to the transition, there was  
9 at no point immediately beforehand that you were  
10 wavering as to whether or not you wanted to go to CHS  
11 or you were just going to retire or resign?

12 A Well -- well, first of all --

13 MS. HAGAN: Objection.

14 THE WITNESS: -- I had never wanted to  
15 retire early. I -- I took a huge hit to my pension.  
16 I would still be in that job if -- if I had my  
17 druthers.

18 So no, I did not want to retire or  
19 resign. And yes, as I said before, I was exploring  
20 the option with Dr. Badaracco and Jeremy -- Dr. Jeremy  
21 Colley about the possibility of staying at Bellevue.

22 And I was also exploring with my union  
23 and CHS leadership and management what kind of  
24 protection or guarantees I was going to have, or  
25 agreements, verbal contracts, whatever you want to

1 call it that I was going to have if I rolled over with  
2 the transition and how, if at all, it'd affect my  
3 working conditions.

4 So yes, I was exploring that situation  
5 and it was not just a one-shot deal. It happened over  
6 an extended period of time. How that turned into a  
7 false rumor that I was quitting or resigning or  
8 retiring, that I can't, you know -- that would be --  
9 you'd have to speak to the people who were spreading  
10 the rumors.

11 BY MS. CANFIELD:

12 Q Okay. Fair enough. All right. So you  
13 allege in the complaint that somewhere after filing  
14 your EEOC complaint, that your shift was changed. And  
15 you believe that that was retaliatory. Why do you  
16 believe that?

17 A I told Dr. Jain -- it was a one, two punch.  
18 Because right around the end of June to the beginning  
19 of July is when I informed Dr. Jain about my EEOC  
20 complaint. And that's when I was told in a stern and  
21 punitive manner that I was being reported to Jonathan  
22 Wangel.

23 Simultaneously or contemporaneously, there  
24 was a meeting with the FPECC directors. And at that  
25 meeting, Dr. Jain distributed the CHS private practice

1 policy, which had been authored by Dr. Ross Macdonald.  
2 That was either at the end of June of beginning of  
3 July.

4 At that meeting, I -- none of the directors  
5 seem to have seen this policy or known about it. We  
6 had been told previously by Elizabeth Ford, since  
7 April, that CHS Legal was working with the Conflict of  
8 Interest Board and looking into it and they were going  
9 to come out with a formal policy. And people were  
10 wondering and waiting for that.

11 I certainly was never given an opportunity  
12 to voice an opinion or -- and put suggestions into an  
13 edited draft. And I don't believe -- other doctors  
14 were. I'm sorry.

15 Q That was going to be my question. Were any  
16 of the other doctors given the opportunity?

17 A I don't believe they were. And the reason I  
18 say that is because at this directors meeting, Dr.  
19 Jain distributed the final draft. It was -- I mean,  
20 the final copy. The final version. And I know I had  
21 never seen it before. And I know Dr. Winkler had  
22 never seen it before. And I got the very strong  
23 impression, especially given Dr. Elizabeth Owen's  
24 reaction to it, that she had never seen it before  
25 because she got quite upset and started complaining



1       that she felt infantilized and she -- she kind of went  
2       off. And Dr. Mundy also had a bunch of questions and  
3       concerns. And so I got the strong impression that  
4       none of these directors had been involved in drafting  
5       that.

6               So at the meeting, that became the topic of  
7       discussion. And, you know, I expressed concerns about  
8       it. And, you know, I almost -- I basically felt it  
9       was -- you know, it was setting up a situation where  
10      there was going to be fraud on the Court.  
11      Misrepresentation to the Court.

12             Q       Can you explain what you meant by that?

13             A       Yeah. Because basically the stakeholders  
14      involved in hiring these doctors for private work are  
15      the same stakeholders for which they provide a city-  
16      salaried service to. So the lawyers, the prosecutors,  
17      the judges, all these same pool of individuals -- and  
18      the same defendant pool, actually -- is -- that the --  
19      the FPECC doctors are paid by the city to do neutral,  
20      objective court clinic evaluations for competency and  
21      for 390 exams, which are really -- they have a label  
22      pre-pleading, presentence exams, but they're kind of  
23      like mental health --

24                    THE REPORTER: They've been labeled  
25      what?

1 THE WITNESS: Pre -- pre-pleading,  
2 presentence exams, but they're very much more -- in  
3 practical terms, they're used -- in practical terms,  
4 they're used more as like a mental health screening.  
5 A mental health evaluation. And they can be ordered  
6 at any time during proceeding. They're sometimes even  
7 ordered at arraignment, even though they're  
8 technically presentence.

9 BY MS. CANFIELD:

10 Q I don't understand quite how there'd be a  
11 fraud on the Court. Are you saying that --

12 A Yeah. I'm sorry. Go ahead.

13 MS. HAGAN: Please explain.

14 THE WITNESS: So basically --

15 THE REPORTER: I'm sorry, Ms. Hagan.  
16 Please repeat what you just said.

17 MS. HAGAN: I said she needs to finish  
18 her answer. She needs to explain.

19 MS. CANFIELD: I'm just trying to move  
20 it along. Again, I want to finish tonight.

21 THE WITNESS: You know, I -- these are  
22 -- these are very complex and layered issues.

23 And so some of the doctors were kind of  
24 developing overly friendly relationships with lawyers  
25 and being influenced in how in the findings of their

1 730 exams in order to establish a business  
2 relationship that would get them private referrals.

3 BY MS. CANFIELD:

4 Q Okay.

5 A And so I found that problematic. And the  
6 other thing that was problematic that was going on,  
7 particularly under Dr. Owen in Brooklyn and Queens is  
8 the -- the -- the -- the doctors were being paid to do  
9 neutral competency exams, and they weren't supposed to  
10 be getting influenced by -- whether or not that lawyer  
11 could refer them a private case and had a certain  
12 agenda with the finding of fit or unfit, which is  
13 exactly what was happening.

14 The other problem was with the private  
15 practice policy, it was saying that the doctors could  
16 do "mitigation reports," which is basically what a lot  
17 of the times the Court is ordering a 390 for.

18 So they were farming out all of the court-  
19 ordered 390s that would have been done on their city-  
20 salaried time to themselves as private referrals.

21 Q Okay.

22 A So they were doing city work as private  
23 referrals. And the third reason I had a problem with  
24 it is because the defendant pool -- it was kind of  
25 artificially trying to isolate the ethical and legal

Melissa Kaye

Page 252

1 parameters by borough, which was ridiculous because  
2 many defendants had cases in multiple boroughs, either  
3 simultaneously or -- or consecutively, right? So that  
4 made no sense.

5 And so what was happening is these doctors  
6 were ending up conflicting themselves out of city-  
7 salaried job duties because they had already --  
8 because they were doing private work on these cases.  
9 And, you know --

10 Q Okay.

11 A -- so it just seemed like -- and no one  
12 would give me a straight answer if this had ever even  
13 been formally vetted by the COB.

14 And so --

15 Q All right. Hold on. I just want to back  
16 up. I have a question about that.

17 When you said nobody -- you said it was  
18 vetted, who are you talking about? Dr. Macdonald or  
19 Dr. Jain?

20 A When I say nobody, Dr. Ford had actually  
21 said it was being vetted by the COB. But when I then  
22 went back and asked specifically, Dr. Jain said it was  
23 -- well, let me just finish.

24 So after the meeting, I -- I came out  
25 against it. So I became a permanent target for Dr.

1 Owen and Dr. Mundy. They were -- that was, like --  
2 that was it. I was, like -- I was persona non grata.  
3 I -- I was public enemy number one. And they started  
4 -- suddenly I became the problem child in the Bronx  
5 and I was bonkers. And they wouldn't answer my emails  
6 and on and on. So that precipitated them coming after  
7 me.

8 And then after that meeting, that's when  
9 they really started disliking me and -- and not -- and  
10 -- and defaming me. And then after that meeting, I  
11 met one-on-one with Dr. Jain and I was very clear that  
12 I didn't think there should be any private practice  
13 policy because Dr. Winkler was already telling me  
14 about the abuses that were going on with some of  
15 doctor -- some of the psychologists that had worked  
16 under Dr. Owen, and some of the abuses that Owen had  
17 -- herself had been involved with. Like socializing  
18 and partying and -- with -- with defense attorneys and  
19 prosecutors to private practice.

20 So all these, like, very questionable  
21 boundary violations as far as, like, whether, you  
22 know, this is -- these are business relationships --  
23 private business relationships or are these  
24 relationships that city employees have with city  
25 employees.

1           Q     Okay. I'm going to stop you now just so I  
2     can ask you follow-up questions. Because I'm going to  
3     forget my follow-up questions if you continue, but  
4     I'll let you talk after.

5                     First question is this.

6                     MS. CANFIELD: Please, Ms. Hagan.  
7     Please, Ms. Hagan.

8           Q     Your position was that you believe there  
9     should be no private practice policy. Does that mean  
10    there should be no policy or no one should engage in  
11    private practice?

12                    MS. HAGAN: Objection. Objection.

13                    THE WITNESS: I -- thank you for asking  
14    that. I -- I never really -- I always felt it was a  
15    little funky and I never even knew about the Conflict  
16    of Interest Board until they started talking about it.

17                    But as I started -- as I was -- when  
18    that was brought to my attention and then I started  
19    thinking about it more, then I went online and I  
20    looked at it and I read --

21    BY MS. CANFIELD:

22           Q     Okay. But my question is -- I know you want  
23    to tell me how you got there, but my question is did  
24    you have a problem with doctors engaging in private  
25    practice or did you have a problem with there being a

1 memorialized policy at CHS?

2 A I --

3 MS. HAGAN: Objection as to form.

4 THE WITNESS: I -- once I realized the  
5 issues and once I looked at a previous finding of the  
6 COB, I did not think that they should be doing private  
7 practice within the City of New York.

8 BY MS. CANFIELD:

9 Q Okay. Okay. Thank you. Thank you. But  
10 weren't you as well engaging in private practice with  
11 your consultancy and doing your -- evaluations?

12 A -- I'm talking about --

13 MS. HAGAN: Objection.

14 THE WITNESS: Yes. Thank you for  
15 clarifying that. I'm talking about specifically doing  
16 forensic psychiatric legal exams for the same  
17 stakeholders doing the same work --

18 BY MS. CANFIELD:

19 Q Okay.

20 A -- for the same legal stakeholders in the  
21 same court setting. I thought that was -- it was --  
22 with -- with potentials to bias and alter CPL 730  
23 results and exams to "woo" private practice. It was  
24 fraught with the outsourcing of 390 exams as --

25 Q Okay. Okay. I understand now. I

1 understand.

2 A -- treatment. I didn't say, "Oh, you can't  
3 have a -- you can't have a private" -- I wasn't saying  
4 --

5 Q Right.

6 A -- all moonlighting. I was just saying  
7 specific psychiatric legal exams for the same  
8 stakeholders that they were providing city services  
9 for --

10 Q Okay.

11 A -- for the same population of defendants --

12 Q All right. So in the beginning --

13 THE REPORTER: I'm sorry. What did you  
14 say after "defendants"?

15 THE WITNESS: And the same courts and  
16 the same attorneys.

17 BY MS. CANFIELD:

18 Q Okay. You stated that once this private  
19 practice policy was unveiled, you said that all the  
20 directors were unhappy and that Dr. Ford said that she  
21 felt "infantisized"?

22 A No. I didn't say that. I'm sorry. Let me  
23 clarify, if I did. I said Dr. Elizabeth Owen, the  
24 director of the Queens Court Clinic, felt  
25 infantilized.



Melissa Kaye

Page 257

1 Q Okay.

2 A And I think that's I-N-F-A-N-T-A-L-I-Z-E-D.

3 It means, like, made to feel or treat --

4 Q I know what it means. I just wanted to make  
5 sure that --

6 MS. HAGAN: -- for the record.

7 BY MS. CANFIELD:

8 Q -- I thought you said Dr. Ford testified to  
9 that.

10 A I may have mistakenly said that.

11 Q Okay.

12 A Dr. Ford was not at that meeting. Dr. Owen  
13 said that and Dr. -- I -- I know that they were very  
14 unhappy that I voiced concerns about defendants' legal  
15 rights being violated and there being possible  
16 deceptive practice in -- in the 730 practice that  
17 could affect the Court's ability to rule neutrally on  
18 capacity. They did not like that.

19 Q Was there anyone -- what was Dr. Winkler's  
20 position on the policy, if you know?

21 MS. HAGAN: Would you allow her to  
22 finish what she was saying --

23 MS. CANFIELD: No. I need to move  
24 forward. I need to --

25 MS. HAGAN: She needs to be able to say

Melissa Kaye

Page 258

1 because this is -- this goes to the core of her claims  
2 and the constitutional --

3 MS. CANFIELD: I know. And there's  
4 something that --

5 MS. HAGAN: -- be able to articulate  
6 that. So you won't say that she didn't. So what --

7 MS. CANFIELD: No. I'm saying she can  
8 --

9 MS. HAGAN: -- complain about exactly  
10 at the meeting.

11 THE REPORTER: Please repeat what you  
12 just said, Ms. Hagan.

13 MS. HAGAN: Dr. Kaye needs to finish  
14 saying what she was complaining about as far as why  
15 the policy was problematic, and what it implicated,  
16 before Ms. Canfield cut her off.

17 Dr. Kaye was explaining the legal and  
18 the constitutional implications that were invoked by  
19 this problematic policy.

20 Could you finish testifying, Dr. Kaye?

21 MS. CANFIELD: Actually, Dr. Kaye  
22 explained it and I said I understood it. And I would  
23 say it's probably ethical considerations rather than  
24 constitutional considerations.

25 MS. HAGAN: That's not what she said.

Melissa Kaye

Page 259

1 MS. CANFIELD: But we're both  
2 testifying right now --

3 MS. HAGAN: Yes.

4 MS. CANFIELD: -- so let me follow-up  
5 with my question to Dr. Kaye.

6 MS. HAGAN: Well, let her finish what  
7 she was saying.

8 MS. CANFIELD: No. We're moving on.

9 MS. HAGAN: You cut her off.

10 MS. CANFIELD: She already finished it.

11 MS. HAGAN: No. You can't cut her off  
12 like that. That's not right.

13 MS. CANFIELD: Ms. Hagan, you have an  
14 opportunity when we're finished to question the  
15 witness.

16 MS. HAGAN: You can't cut off the  
17 deponent.

18 MS. CANFIELD: I can.

19 MS. HAGAN: No, you cannot.

20 MS. CANFIELD: I can. It's my  
21 deposition. Dr. Kaye --

22 MS. HAGAN: No, you can't. No, you  
23 can't.

24 THE REPORTER: Please speak one at a  
25 time. I'm sorry, ladies.

1 BY MS. CANFIELD:

2 Q Dr. Kaye, what was Dr. Winkler's position on  
3 the private practice policy?

4 A He was --

5 MS. HAGAN: If you know.

6 THE WITNESS: -- he was fairly quiet at  
7 the meeting relative to Dr. Owen and Dr. Mundy.  
8 Afterwards, he said, yeah, you know, he agreed with  
9 all my concerns and that, you know, it led to --  
10 possibly led to biased reports being submitted to the  
11 Court. But he said to me -- well, do you want exact  
12 quote or do you want a paraphrase?

13 BY MS. CANFIELD:

14 Q Whatever you feel comfortable sharing.

15 A He said, "Well, screw it. They said I could  
16 do it, so" -- he said, "I don't care. Screw it. They  
17 said I could do it. It's their problem."

18 Q Okay. Now so other than --

19 A He really didn't say "screw it." He said,  
20 "Fuck it."

21 Q I figured that. Other than expressing your  
22 concerns to Dr. Jain at that meeting and after the  
23 meeting, did you express your concerns to anyone else  
24 about the private practice policy? And when I say  
25 "anyone else," I'm talking about anyone that you

1 reported to.

2 A I -- you mean in my chain of command --

3 Q Right.

4 A -- above Dr. Jain?

5 Q Correct.

6 A That would be Dr. Ford. I complained to her  
7 about numerous things in a meeting I had with her on  
8 November 30th.

9 Q I want to know specifically about the  
10 private practice policy. Did you specifically  
11 complain to her about that?

12 A No. She cut that meeting short. I don't  
13 think I had time to. It was on my list, but she --

14 Q Okay. Okay.

15 A -- about that.

16 Q Now we got on this topic on the private  
17 practice policy when I asked you why do you believe  
18 your shift change was retaliatory. Are there any  
19 other reasons other than your complaints regarding the  
20 private practice policy that you believe led to the  
21 fact that your shift was changed?

22 A I believe it -- that my complaint at that  
23 meeting in January 2018 about misuse of HIPAA releases  
24 for -- for criminal defendants because I felt coercing  
25 possibly incapacitated individuals into signing a

1 HIPAA release without legal representation was a  
2 violation of their constitutional rights. I  
3 complained about that in January. And I believe that  
4 my complaint about the private practice policy and my  
5 complaint about pay parity caused me to be targeted.  
6 And the shift change was just the beginning of an  
7 absolute hellish campaign of terror to make me quit.

8 Q Okay. Is it your belief that you were the  
9 only unionized employee that had their shift changed?

10 MS. HAGAN: Objection. As to  
11 unionized, she didn't say that.

12 MS. CANFIELD: I know she didn't. I'm  
13 asking the question.

14 BY MS. CANFIELD:

15 Q Is it your belief that you're the only  
16 unionized employee that had their shift changed?

17 A I believe that Patsy Yang is a cunning and  
18 ruthless individual and the way that her and Jonathan  
19 Wangel did this was to cover their tracks.  
20 Ostensibly, "everybody" had to be the same. Suddenly  
21 -- suddenly, the system couldn't handle a 30-minute  
22 lunch, although my time had been put in on a 30-minute  
23 lunch prior for years and it was the same Axial [ph]  
24 system at central office that -- they all use the same  
25 system. So that was a rouse.

1                   And the other rouse was, oh, the doctors in  
2                   Manhattan -- the three psychiatrists or four  
3                   psychiatrists -- the four male part-time psychiatrists  
4                   are getting their shift changed, too. They have to  
5                   have an hour unpaid lunch. Well, you know, it turns  
6                   out that some of them didn't take a lunch because they  
7                   were part-time and they didn't work long enough to  
8                   have a lunch.

9                   Others, you know, they didn't -- they might  
10                  not have had a full eight-hour day or they might have  
11                  had the luxury of having a nice long lunch in  
12                  Chinatown down at Center City -- in Center City by --  
13                  you know, on Center Street -- I'm sorry. By where the  
14                  -- the courthouse was in Manhattan. And it didn't  
15                  affect them and impact them and upend their life or  
16                  their children's lives.

17                  So it was very convenient to have that as a  
18                  rouse that it was affecting them, but it wasn't  
19                  affecting them the same as it was affecting me. I was  
20                  the only full-time employee that it caused hardship  
21                  for and there was no need for it. I mean, it was very  
22                  -- it was very crafty to use 30 minutes of unpaid time  
23                  to force -- to force me out so I would have to torture  
24                  my children in the morning to come to work every day  
25                  because suddenly, not only did they change -- add the

Melissa Kaye

Page 264

1 30 minutes of time to my workday, they moved my start  
2 time to 8:00 in the morning. And the courthouse  
3 didn't even open and get going till 9:30 or 10:00. I  
4 would have been fine if they had let me work -- I was  
5 already working -- I was already on-site an extra half  
6 hour, and that wasn't enough. They -- they had to  
7 just go in for the kill and make -- and make it nine  
8 hours.

9 So everybody else was on-site for eight  
10 hours, but they made it so I had to be on-site for  
11 nine hours. And --

12 Q When you say "everyone else," are you  
13 talking about the other directors who were managerial?

14 A I'm talking about all the FPECC --

15 MS. HAGAN: Objection. Objection.

16 THE WITNESS: -- employees.

17 THE REPORTER: I'm sorry. Please start  
18 your answer over.

19 MS. HAGAN: I'm saying objection  
20 because Counsel continues to try to testify with her  
21 questions. She did not say anything about the other  
22 directors being managerial and non-managerial. Dr.  
23 Kaye doesn't know what their status was.

24 MS. CANFIELD: I think there's  
25 testimony that the other three are managerial. So



1       that's been established.

2       BY MS. CANFIELD:

3               Q       My question is when you say "everybody," I  
4       want to know who everybody is. Are you talking about  
5       your comparative directors?

6               A       I'm talking about other CHS FPECC employees.  
7       I'm not aware that anyone had an adverse --

8                       MS. HAGAN: Can you hold on for a  
9       second, please? Hold on for a second, please. Hold  
10      on.

11                      I'm sorry. I had to stop the vacuuming  
12      in the background. I'm sorry.

13                      MS. CANFIELD: Okay. Well, at least  
14      you have a clean house.

15                      MS. HAGAN: We try, in some parts.

16                      Okay. Yes. Keep going.

17                      THE WITNESS: So I'm not aware that any  
18      other FPECC director or FPECC employee had the system  
19      manipulated to the point where they had to be working  
20      a nine-hour day. There was no reason for it. There  
21      was no functional, operational reason for it. It was  
22      sadistic and it was retaliatory, and I know that and  
23      they know it. And I had conversations with Dr. Jain  
24      about it and he was fully aware of how difficult it  
25      was for me. And -- and Dr. Ford was fully aware of

1       how difficult it was for me. And that's why they dug  
2       their heels in about it because they knew ultimately  
3       it was going to break me.

4       BY MS. CANFIELD:

5             Q       So tell me, why was it difficult for you?  
6       What changed and made it difficult?

7             A       Being at work at 8:00 in the morning instead  
8       of 9:00 in the morning when I'm trying to get two kids  
9       to school and one of my kids has problems and issues  
10      that contribute to chronic sleep deprivation. And  
11      then to have to drag him out of bed an hour early so  
12      -- you know, so that I -- I could accommodate an  
13      unnecessary shift change that -- that violated the  
14      agreement that my union and I had with CHS about when  
15      I rolled over. I was told nothing would change and  
16      everything would stay the same.

17             They had a duty and a right to inform me  
18      that this was going to happen, because had I been told  
19      that, I would not have been -- I would have not rolled  
20      over. I would -- I don't know what I would have done.  
21      I would have looked for a unionized line at Bellevue.  
22      I would have done whatever I needed to do, but there  
23      would be no way I would have ever agreed to that.  
24      They -- it was a bait and switch and it was  
25      retaliatory. And it was done to drive me out of my

1 job, and it worked.

2 Q So --

3 A They had to do a lot of other terrible  
4 things to me before I just couldn't take it anymore.  
5 And they also used the criminal defendants and the  
6 legal system as pawns in this -- in this attempt to  
7 get me to quit. I mean, they wouldn't staff my -- my  
8 clinic.

9 Q Okay. I'm going to get there. I just want  
10 to talk a little bit more about the shift change.

11 You said that prior to the shift change, you  
12 were going in at 9:00 a.m. And then with the shift  
13 change, you were going in at 8:00 a.m.; is that  
14 correct?

15 A They told me I had to come in at 8:00.

16 Q Okay. And what time did your son and  
17 daughter need to be at school?

18 A Well, school -- what do you mean "need to be  
19 at school"? What time did school start?

20 Q Yes.

21 A I think school started -- gosh, I don't even  
22 know. I should remember. I think it was like maybe  
23 -- I think they had to be there at 8:25 if I'm not  
24 mistaken.

25 Q Okay.

Melissa Kaye

Page 268

1           A       I could be wrong about that. It might be  
2       8:00.

3           Q       Okay.

4           A       It was something. It was some weird, like,  
5       time almost not on the hour, at a half hour. I think  
6       8:25.

7           Q       And how far from your apartment did you need  
8       to travel to bring your children to school?

9           A       Three blocks.

10          Q       Okay. And when you were required to go in  
11       at 8:00 a.m., would you have another caretaker take  
12       your children to school?

13          A       No. I -- I -- I -- the school was not open  
14       as early as I needed to have them dropped off to -- to  
15       get there by 8:00, but they did open, like, 15 minutes  
16       after the time I -- I needed to drop them off. And I  
17       spoke with the person who did coverage for the early  
18       morning and I told them what was going on. And as a  
19       favor to me, he was coming in 15 minutes early so I  
20       could drop them off early.

21          Q       When you say the person that does coverage  
22       for you, are you talking about someone that helps you  
23       take the kids to school in the morning or someone at  
24       the school?

25          A       One of the teachers at school that did

1 coverage for the early -- the early morning period at  
2 the school. There was an early morning drop-off  
3 period at the school and they would have different  
4 teachers cover that -- to come in and cover that. And  
5 one of the teachers that did it most frequently, I  
6 talked to him and he said he would come in a little  
7 bit early so I could drop them off earlier than they  
8 normally would be dropped -- allowing people to drop  
9 off kids.

10 Q Okay. And so what time would you be able to  
11 do drop-off? The earliest you could drop off?

12 A I think it was -- I think he had the school  
13 ready and open for me -- he had to come in and get  
14 everything open and ready before he could bring kids  
15 in the school. I don't know if he would get there at  
16 7:00 or 7:15 to do that. I don't know exactly what  
17 that entailed, lifting up the gate and doing all this  
18 other stuff.

19 Q What time were your children allowed or able  
20 to go to the school? 7:15 or 7:30?

21 A I don't remember, but I know that there was  
22 -- there were times -- it was a conflict for me to --  
23 I wasn't able to definitely get them there every day  
24 at the time -- and get to work unless I had him agree  
25 to come in early for me.

1 Q Okay. So sometime between 7:15 and 7:30,  
2 you would be able to drop off your children in order  
3 to get to work by 8:00?

4 A Yeah.

5 Q Okay. And how long is the train ride? You  
6 were living on the upper east side? How long was the  
7 train ride to the Bronx courts? Twenty minutes?

8 A Well, you know, it's variable with the  
9 trains, but it was -- it was a walk -- you know, the  
10 train -- it's a walk to the train. It's a schlep to  
11 the train from -- you have to go to 86th and  
12 Lexington.

13 Q For the Express, yes.

14 A Well, it had to be the four, right? The six  
15 -- I mean, you know, you could take the six from 77th  
16 and Lex, but you had to get on the four.

17 Q Okay.

18 A And, you know, I mean you have -- it was --  
19 it could be door to door 40 minutes if you want to --  
20 if you want to calculate in possible delays and  
21 problems.

22 Q Okay. Forty minutes from the time that you  
23 left your house, dropped off the kids and then were  
24 able to make it to the Bronx courthouse?

25 A Yeah. Once you got to the Bronx, it was the

1 Yankee Stadium stop.

2 Q Right.

3 A -- a bit of a walk up the hill, over the  
4 Grand Concourse, down the hill and then into the  
5 building.

6 Q Okay. So when you were required to come in  
7 at 9:00, you would just drop off your children at  
8 8:25. There was no sort of like an early morning  
9 drop-off; is that correct?

10 A No. I would drop them off before 8:25  
11 because -- maybe 8:10 or something.

12 Q Okay.

13 A But the school was fully open by then. It  
14 wasn't, like, an issue that the other -- you know, and  
15 then they -- yeah. Yeah.

16 Q Okay. All right. I'm trying to get an idea  
17 about how the shift changed affected your morning  
18 commute and your morning.

19 So essentially --

20 A It --

21 Q -- it caused the need to get the children up  
22 an hour or so earlier.

23 A Yeah. My son would cry that, you know,  
24 "Mommy, Mommy, I'm so tired." You know, it was awful.  
25 Like, I was like torturing my children and I was going

1 to work knowing I'm torturing my children to satisfy  
2 sadistic retaliatory shift change.

3 It was -- it created a really negative to --  
4 to do that to me. It was very hostile, and then it  
5 was cruel and so unnecessary.

6 And then I -- I -- I tried every which way  
7 to get it restored to what they had promised me it  
8 would be, and they would say -- and -- and Jain would  
9 say, "Well, you can come in at 9:00, but then you have  
10 to stay till 6:00." I'm like, "The courts close at  
11 4:00. It's pitch black up here and my kids' school  
12 closes at 6:00." Like, that's not helping me. Why  
13 did you change my shift? It was wrong. It was -- it  
14 was wrong and I -- when I had a big -- in October, I  
15 told him -- I said, you know, I was so upset because  
16 it was just killing us. And then there were a lot of  
17 other things, too. This wasn't the only thing.

18 It was all these other -- I know you don't  
19 want me to get into that --

20 Q We're going to get into them. I just want  
21 to close off each thing we're talking about. And I do  
22 have another follow-up with the shift change. I'm  
23 going to share my screen again and show you paragraph  
24 57 of the complaint.

25 And you say here that "Yang, Wangen and Jain



1 knew the shift change would make it impossible for  
2 Kaye to care for her sick son." And I guess what I  
3 want to know is that other than the disruption in  
4 having to get up an hour earlier, what type of illness  
5 does your son suffer from that made it impossible for  
6 you to care for him having to be at work an hour  
7 earlier?

8 A Because he has -- he has a -- I guess it  
9 stems from an immune problem, but he has this -- he  
10 had an excoriating rash all over his body that was  
11 disfiguring and disabling and they couldn't figure out  
12 what it was. It was -- you know, of course it was  
13 severe eczema, but you know, they thought he had all  
14 these immunologic problems driving it and he got all  
15 this work up and he had patch testing and all of this.  
16 And he ended up, you know, as we honed in on the  
17 diagnosis, they were able to hone in on the treatment.  
18 He has allergic contact dermatitis where common  
19 chemicals in the environment cause just this horrible  
20 kind of blistering, excoriating rash. Fragrance is  
21 one of them. Lanolin, neomycin, this thing called  
22 thiourea which is a component of rubber. I mean, all  
23 of these things. And as we started trying to identify  
24 -- we identified those and started trying to eliminate  
25 his contact with them, it wasn't completely possible.

1 But, you know, he wasn't using fragranced soap. That  
2 was -- you know, that kind of stuff.

3 And he had been put on these steroids and he  
4 was growing black hair on his body. I mean, it was  
5 awful. And he was having behavior and emotional  
6 problems from the high-potency steroids. It was --  
7 and simultaneously, he was -- he had some life-  
8 threatening anaphylactic -- anaphylaxis to cashews.  
9 And ended up, you know, having to carry EpiPen. And  
10 so he had these type four just delayed  
11 hypersensitivity allergies, then he had these acute  
12 mediated food allergies. So he had all this -- and  
13 plus, he had all these developmental delays. That's  
14 why I had -- needed services from the DOE.

15 And it was just really frustrating dealing  
16 with the allopathic medical approach to his illness  
17 and the steroids and I -- an allergist referred me to  
18 a doctor who specialized in -- she's an M.D.  
19 pediatrician, but she's from China and she has a  
20 specialty in traditional Chinese medicine treating  
21 children with asthma, eczema, food allergies, these --  
22 these kind of allergic diseases. These immunologic,  
23 allergic diseases with Chinese medicine protocols that  
24 she studied scientifically at the Jaffe Food Center.

25 And when I started -- and I found her on --

Melissa Kaye

Page 275

1 I'm thinking it was like May of 2018. And she had a  
2 protocol that he was supposed to be on and I had to  
3 apply all of these potions like they were these things  
4 that I would -- she would -- I would buy from her and  
5 it was actually her husband's business who I would --  
6 he had the business of selling the things that she  
7 prescribed.

8 It wasn't prescribed in a medical sense. It  
9 was like alternative medicine.

10 But I had to put it all over his skin and I  
11 was supposed to do it in the morning. And I was like,  
12 well, this kid is completely sleep deprived already  
13 because of the shift change, so you know, am I going  
14 to inflict more sleep deprivation on him to put his  
15 medicine on him? To put the Chinese -- the TCM --  
16 standing for traditional Chinese medicine ointments  
17 and creams on him? Or, you know -- and so it kind of  
18 -- I was like he had already suffered with this sleep  
19 deprivation from the rash itself. The pain, the  
20 itching. And then the steroids were, like,  
21 psychostimulant and he was all revved up from those.  
22 So he had these chronic sleep issues and deprivation  
23 because of the illness. And then, you know, this  
24 unnecessary shift change was like a nail on the  
25 coffin. It was awful.

1                   And so sometimes I'm like, okay. This --  
2                   and so it made it very difficult for me to comply with  
3                   this Chinese medicine protocol for him with this --  
4                   and be at the Bronx in the morning.

5                   It would have been --

6                   Q       So --

7                   A       -- if I had been able to -- to be there --

8                   THE REPORTER: I'm sorry. Repeat  
9                   everything you said after 8:00 in the morning.

10                  THE WITNESS: it would have been doable  
11                  if I was allowed to go there at 9:00, like they had  
12                  promised me when I rolled over. My shift would have  
13                  been 9:00 to 5:30.

14                  BY MS. CANFIELD:

15                  Q       Okay. Does your son still apply the -- what  
16                  you call the Chinese medicine or potions, or have they  
17                  got the eczema under control?

18                  A       He had a very intense -- you know, there  
19                  were herbal pills -- capsules he had to take twice a  
20                  day. The -- the treatment creams on the skin. And  
21                  then these therapeutic baths that he -- and he does  
22                  take this therapeutic bath still.

23                         I'm waiting to get more of the creams  
24                  because he's having problems still with his hands  
25                  because all this washing with the pandemic and him not

Melissa Kaye

Page 277

1 -- him -- if he doesn't use fragrance-free soap, and  
2 they make -- whatever. His hands -- but there's --  
3 you know, there's been a supply chain issue, so --  
4 yes. I have the herbal bath treatments that he still  
5 takes a bath in those. We've run out right now of the  
6 -- of the capsules and some of the creams we've run  
7 out of. And so I'm just waiting till that, you know  
8 --

9 Q Okay.

10 A -- the supply chain -- the supply chain  
11 issue around that is resolved.

12 Q Okay. All right. I'm going to move beyond  
13 the shift change unless there's something -- I think  
14 you've told me how it's affected your family's life  
15 and why you believe it was retaliatory.

16 Any other reasons why you believe it was  
17 retaliatory besides the equal pay complaint, the HIPAA  
18 release complaint and the complaint about the private  
19 practice policy?

20 MS. HAGAN: Excuse me. Could you  
21 clarify the question? Retaliatory? You talking about  
22 the shift change being retaliatory or if she explained  
23 --

24 MS. CANFIELD: Yes.

25 MS. HAGAN: -- other forms of

1       retaliation?

2                       MS. CANFIELD: No, no. The reasons  
3       that she believes the shift change was retaliatory.

4       BY MS. CANFIELD:

5               Q       I believe you testified because your  
6       complaints of pay equity, your complaints about the  
7       private practice policy and your complaints about the  
8       HIPAA release. Is there anything else that you  
9       believe or things that you did that caused retaliation  
10      with respect to the shift change?

11              A       I believe I was targeted for retaliation  
12      because somehow -- and it seems very sexist and -- to  
13      me. Somehow I was scapegoated for the redacted issue  
14      -- redacted records issue that CHS got itself into by  
15      defying a court order.

16              Q       Is this the redacted issue that we talked  
17      about earlier today -- this morning?

18              A       It was an ongoing issue. It probably  
19      started -- you know, it periodically rears its head.

20              Q       Okay.

21              A       It started I would say for -- for the -- for  
22      the incident where I was scapegoated for that, I would  
23      say it started maybe in, like, mid-2017 where CHS was  
24      very much involved in it because they were custodians  
25      of the records at the time. Even though they hadn't

1       come -- you know, it'd be another year or so before  
2       they took over the court clinics, they were getting  
3       court orders from judges in the Bronx. Senior,  
4       experienced judges in the Bronx, multiple court orders  
5       from different judges for different defendants.

6           Q       Right. Right.

7           A       And it was -- defying them and handing out  
8       redacted records. And defense counsel was up in arms.  
9       They went to Judge Torres, the chief administrative  
10      judge, and complained to him.

11          Q       Okay. I know, I'm going to stop you. Other  
12      than the redacted records, too. I'm familiar with the  
13      redacted records. I think that --

14          A       Yes.

15          Q       -- we talked about it this morning.  
16      Anything else that you believe you did that --

17          A       I believe that because I was not willing to  
18      roll over to the unsound decisions of CHS and its  
19      legal advisors, and the Court threatened to hold HHC  
20      in contempt, somehow that was turned around to be my  
21      fault as if I created that problem. I -- I kept  
22      trying to step back and let it be between the courts  
23      who were writing these orders that CHS was defying,  
24      and letting them deal with it. And of course, I'm  
25      going to get a little bit caught in the crossfires. I

1 was the medical director. I had -- I was -- I was an  
2 intermediary, but it wasn't my fault and I wasn't  
3 doing anything wrong.

4 But I --

5 Q But isn't that issue --

6 THE REPORTER: I'm sorry. Repeat what  
7 you said after, "I wasn't doing anything wrong."

8 THE WITNESS: I became "the  
9 troublemaker."

10 BY MS. CANFIELD:

11 Q But isn't that issue still related to the  
12 redacted records? The contempt issue?

13 A Well, CHS got itself into that situation  
14 because they were not complying with judicial orders  
15 in the Bronx.

16 Q Concerning unredacted records, correct?

17 A Unredacted records.

18 Q Okay. All right.

19 A And then I had mentioned to Jain -- Dr.  
20 Jain, I told him -- it was all around the same time  
21 because I had found out about -- I had found Dr. Lee.  
22 I had gotten my kid to see her and I had been told  
23 about this protocol that he was going to go on. And  
24 this was May-ish of 2018. So I mentioned it to Jain  
25 -- Dr. Jain, that I may look into FMLA to -- to deal



1 with it because I wanted to make sure I complied fully  
2 with the protocol.

3 And so that was another thing I felt like --  
4 then they started messing around with me about and  
5 denying it, then retroactively denying it. And then  
6 --

7 Q All right. Let's talk about that then.  
8 Okay. You brought up your FMLA leave.

9 You believe that your FMLA leave was denied  
10 or not granted as a result of retaliatory animus,  
11 meaning that this was deliberately done to you in  
12 retaliation for your complaints?

13 A I believe that I started having a lot of  
14 repeated difficulties with routine matters. When I  
15 rolled over from Bellevue, I was on a 40 hour a week  
16 pay with a 30-minute half hour lunch. I was denied  
17 access to Chronos, the electronic timekeeping system.  
18 They didn't install it in the Bronx, so I was  
19 dependent on Dr. Jain to enter in my time. And I told  
20 him at the beginning of July that I work a -- you  
21 know, that I work an eight-hour day with a 30-minute  
22 unpaid lunch, and he lurched at me. He was, like,  
23 sitting in his chair and he got this aggressive  
24 posture with his body and he said, "No, you don't.  
25 That's not true." And he leaned forward and he, like

1 -- and it was like he was attacking me, you know? And  
2 accusing me of lying about that.

3 And I said, "It is true." I said, "Let me  
4 get my" -- I had paper copies of all my timesheets I  
5 had turned into Bellevue for the last ten years, as  
6 did LaKeisha. They were in her office. I went and I  
7 got a timesheet from Bellevue, a copy, and I said,  
8 "Look here." And I would show him. And I showed him  
9 what -- what it was. And he proceeded to ignore me.  
10 And then I never had access to Chronos until the  
11 middle of August. And when I looked in there, he had  
12 been putting my time in wrong. He had been putting me  
13 in for seven hours of work and one hour of unpaid  
14 lunch. So I was getting docked an hour of pay every  
15 day for six weeks. And that's --

16 Q Do you believe that he was doing that  
17 intentionally, or was it as a result of the decision  
18 by Jonathan Wangel to retroactively make you work the  
19 nine-hour day that we were just talking about  
20 consistent with the work rules at CHS?

21 MS. HAGAN: Objection as to form, and  
22 assumes facts and --

23 MS. CANFIELD: That evidence will bear  
24 it out.

25 //

1 BY MS. CANFIELD:

2 Q Do you think that Dr. Jain was deliberately  
3 entering in your time?

4 A I believe he was deliberately entering it in  
5 wrong because he knew I was working a 40-hour work  
6 week. He knew I was -- had a 30-minute lunch. And it  
7 was before Wangel did -- in August, he did  
8 retroactively alter my timesheets. He and Dr. Jain  
9 and Patsy Yang. But at this time, they didn't go back  
10 that -- I wish I had -- they kicked me out of my  
11 office, so I don't have all these copies of the stuff  
12 that I normally would have had if they hadn't kicked  
13 me out of my office.

14 But they're -- these -- we had to meet my  
15 union representative, Nate Santamaria [ph], we met  
16 with Jonathan Wangel in September -- September 7th.  
17 And I remember that day because --

18 Q What year? 2018 or 2019?

19 A '18. '18. I was double booked --  
20 intentionally double booked for a meeting in the Bronx  
21 when I told Dr. Jain and Andrea Swenson that I wasn't  
22 -- be down on Water Street.

23 But -- so those hours were -- he -- so I was  
24 getting docked an hour of pay a week for six weeks,  
25 and then --

1           Q     And were you ever reimbursed that money or  
2     was it hours that you weren't working because you were  
3     not working the number of hours that you should have  
4     been working?

5           A     No. I was working the -- the normal hours I  
6     always worked. I was working eight hours a day with  
7     my 30-minute lunch. There was nothing that I was  
8     doing differently, I just was no longer allowed to  
9     fill out my timesheets because they denied me access  
10    to the electronic timekeeping system. And --

11          Q     Okay. My question is were you not paid?  
12    Okay. Two things. One, you said that you were denied  
13    access to electronic timekeeping system. Was it even  
14    installed then when you say that you were denied  
15    access?

16          A     No. They didn't bother installing it --

17          Q     Okay. So you believe -- you believe --

18                THE REPORTER: I'm sorry. What did you  
19    say after "installing it"?

20                THE WITNESS: No. They did not install  
21    it. They delayed installing it. They knew they were  
22    taking over the clinics in January, but in July, they  
23    hadn't even started to consider doing whatever it is  
24    they needed to do to install the electronic  
25    timekeeping system.

1 BY MS. CANFIELD:

2 Q Okay. And you believe the fact that they  
3 didn't install it until late in the game, that that  
4 was deliberately an act of retaliation against you?

5 A I believe there was deliberate retaliatory  
6 sabotage directed against the Bronx Court Clinic --

7 Q Okay.

8 A -- in order to make me look bad and to force  
9 me to quit.

10 Q Okay. And when you say that you were docked  
11 pay, were you -- did you have to take annual leave to  
12 cover those hours or you just did not receive that pay  
13 in your check? Or was it corrected eventually by  
14 payroll and timekeeping?

15 A Well, that's a lot of questions and I want  
16 to be succinct.

17 MS. HAGAN: Objection to the form. It  
18 is a compound question.

19 MS. CANFIELD: It is. Well, let's take  
20 them one at a time.

21 THE WITNESS: Thank you.

22 BY MS. CANFIELD:

23 Q When you say "docked pay," were you not paid  
24 your full paycheck or were you required to take annual  
25 leave to cover your full paycheck?

1           A       Okay. To clarify, annual leave is paid  
2 because when you separate from service, you can  
3 convert annual leave into a cash value.

4           Q       Correct. I'm talking about when you were  
5 docked though. I'm not talking about when you left.

6           A       So when -- so I was unfairly and  
7 illegitimately being docked annual leave that I  
8 shouldn't have been.

9           Q       Okay.

10          A       And I have never to this day had all of the  
11 surreptitious alterations in my pay and my timesheets  
12 which have subsequently affected my pension addressed.  
13 They have, to this date, not -- to this day, have not  
14 been addressed.

15                   We went down -- and when I say "we," I'm  
16 talking about Nate Santamaria and myself went down to  
17 meet with Mr. Wangel the beginning of September  
18 because of this.

19                   I was -- we were told -- Mr. Wangel admitted  
20 to me and my union member that Patsy Yang was behind  
21 the shift change. That she was behind this  
22 retaliatory shift change. He admitted that to us in  
23 the meeting and he promised that he brought out some  
24 sheets that he had and my union was --

25                   And some of this was beyond my

Melissa Kaye

Page 287

1       sophistication and skillset. Like, it was a lot of  
2       stuff my -- you know, I wasn't used to scrutinizing  
3       this kind of computerized paperwork for -- I'd never  
4       had this problem at Bellevue. So it was --

5               So all this stuff, and my union -- he went  
6       through some of it with my union. My union had a lot  
7       of concerns and questions. Mr. Wangel had promised us  
8       at that meeting on September 7, 2018, that he was  
9       going to get documentation from the Axial system, or  
10      something like that. Which was the -- like, the  
11      motherboard or the -- the primary central timekeeping  
12      system through central office for HHC. And that my  
13      union had wanted this kind of documentation to prove  
14      that I wasn't being unfairly docked pay.

15           Q       And did your union ever receive that  
16      information?

17                   Okay. Was your union --

18                   THE REPORTER: Please repeat your  
19      answer.

20                   THE WITNESS: No.

21      BY MS. CANFIELD:

22           Q       Did your union ever -- or was it expressed  
23      to you by your union that the issue had been resolved  
24      with timekeeping and payroll subsequent to meeting  
25      with Mr. Wangel?

Melissa Kaye

Page 288

1           A       No.

2           Q       Okay. Did your union then file a grievance  
3 on your behalf?

4                   MS. HAGAN: Okay. Okay. I'm going to  
5 stop you for a second because there's an hour left to  
6 this deposition. I just want to make sure. Can you  
7 please check your time --

8                   MS. CANFIELD: I'm going to need more  
9 time than an hour.

10                  MS. HAGAN: Well, it's an hour. You  
11 have seven hours a day.

12                  MS. CANFIELD: I know. I'm going to  
13 need more time.

14 BY MS. CANFIELD:

15           Q       Dr. Kaye, did your union file --

16                  MS. HAGAN: How much time do we have  
17 left?

18                  MS. CANFIELD: Excuse me. You're  
19 wasting time.

20                  MS. HAGAN: Wait, wait, wait, wait.  
21 I'm going to ask him --

22 BY MS. CANFIELD:

23           Q       Dr. Kaye, did you --

24                  MS. HAGAN: No. I'm asking the  
25 reporter a question.



Melissa Kaye

Page 289

1 MS. CANFIELD: Excuse me, Ms. Hagan.

2 MS. HAGAN: I have a right to ask a  
3 question as far as time management is concerned.

4 MS. CANFIELD: Not when I'm still  
5 trying to get through the deposition.

6 MS. HAGAN: You're cutting me off. I'm  
7 trying --

8 MS. CANFIELD: Off the record, please.  
9 Off the record.

10 THE REPORTER: The time is 5:29 p.m.  
11 We're off the record.

12 (Off the record.)

13 THE REPORTER: The time is 5:30 p.m.  
14 We're back on the record.

15 MS. HAGAN: And there are 54 minutes  
16 left. Thank you.

17 BY MS. CANFIELD:

18 Q Dr. Kaye, did your union file a grievance on  
19 your behalf regarding your pay and the docking of your  
20 pay?

21 A I have --

22 Q That's a yes or no question, please. I'm  
23 sorry. I'm trying to get through this. Yes or no?

24 A No. I can't -- it's not a yes or no  
25 question because I have been after my union from when

1 I found out about this in August 2018 to February of  
2 this year to address all of the payroll and pension  
3 irregularities that I have suffered for retaliation by  
4 CHS. And they have chosen to, you know, conspire with  
5 Mr. Wangel and politics and they assigned me a union  
6 rep who kept going in and out and in and out from a  
7 medical problem. So I'd go -- they'd tell me he was  
8 going to help me and then he'd be out for three months  
9 with a medical problem. They didn't give me any  
10 replacement.

11 And I have sent email after email to my  
12 union and they have not responsibly followed up with  
13 the grievances that should have been filed over -- and  
14 this isn't just the first instance of -- of being  
15 docked pay. They reduced my salary. I --

16 Q Okay. The --

17 A Well, no. I'm sorry, Ms. Canfield, but I  
18 got W-2s that showed that my salary had been reduced.  
19 I don't know how they did it, if they cut my longevity  
20 pay or if they changed me to an attending two, but I  
21 was -- I got, like, \$28,000 pay cuts from CHS and I  
22 got docked for taking off the Jewish holidays after  
23 the system told me that I had time, and timekeeping  
24 told me that I had time. And I got emails from Labor  
25 Relations that told me I had time. And they would

1 send me these drop-and-run Friday afternoon emails  
2 that I was getting docked pay. And they did it two  
3 pay periods in a row. And the --

4 THE REPORTER: Please speak slower.

5 THE WITNESS: -- surreptitiously denied  
6 my educational leave and changed it -- docked me  
7 annual leave without telling me. And this was just an  
8 ongoing assault with --

9 BY MS. CANFIELD:

10 Q I'm going to stop you right now, please.

11 Okay. Did you file a complaint against your  
12 union for breach of duty of their representation?

13 A I --

14 MS. HAGAN: Objection.

15 THE WITNESS: I contacted the NLRB.

16 BY MS. CANFIELD:

17 Q Okay. And did you file a grievance or bring  
18 an improper practice claim against your union?

19 A I explained the situation --

20 MS. HAGAN: Objection.

21 THE WITNESS: -- to them and they told  
22 me to contact the -- the Manhattan DA's office.

23 BY MS. CANFIELD:

24 Q Okay. And have you contacted the Manhattan  
25 DA's office concerning the conduct of Doctors Council?

Melissa Kaye

Page 292

1           A       Not yet.

2                       MS. HAGAN:  Objection.

3       BY MS. CANFIELD:

4           Q       Okay.  You mentioned your board examination  
5       being docked pay.  Were you eventually paid for the  
6       time that you spent taking the -- your board  
7       examination?

8                       MS. HAGAN:  Objection.

9                       THE WITNESS:  I endured a lot of --

10       BY MS. CANFIELD:

11           Q       The question is were you eventually paid for  
12       that time?  Yes or no?

13           A       I had -- I had --

14           Q       Yes or no please.

15           A       I didn't --

16           Q       I'm going to have to call you back, Dr.  
17       Kaye, if you do not just answer my questions.

18                       Were you eventually paid for that time?

19                       MS. HAGAN:  Objection.

20                       Continue.  Answer the question as you  
21       see fit.

22                       MS. CANFIELD:  No.  That's my time --  
23       that's my question.

24       BY MS. CANFIELD:

25           Q       Were you eventually paid for that time --

1 MS. HAGAN: -- how she answers your  
2 question.

3 MS. CANFIELD: Excuse me, Ms. Hagan.  
4 BY MS. CANFIELD:

5 Q Were you eventually paid the time?

6 MS. HAGAN: Do not harass --

7 THE REPORTER: I'm sorry. I didn't get  
8 anything that either of you two just said.

9 MS. HAGAN: Ms. Canfield is harassing  
10 the witness. She's cutting -- bullying.

11 MS. CANFIELD: I am not. You keep  
12 continuous -- you interrupt me.

13 BY MS. CANFIELD:

14 Q Dr. Kaye, were you eventually paid the time  
15 that you spent taking your board examination?

16 A I was denied the time. I was harassed and  
17 humiliated, and I had to fight and complain and  
18 threaten to go to central office and contact Bellevue  
19 before I was eventually given part of the time for an  
20 all-day board exam. And I continued to push the  
21 issue. They claimed that my board exam in child and  
22 adolescent psychiatry was irrelevant to my job, when  
23 in fact we have 16, 17-year-olds rotating through the  
24 court clinic who've been waived into Adult Court for  
25 violent felonies. It was not irrelevant to my job.

1           Q     Okay. Let me ask you a question. Isn't it  
2 true that as a result of the fact that you petitioned  
3 to have your board examination paid for, that CHS and  
4 HHC changed their policies and now everyone can have  
5 their board exams paid for? Isn't that true?

6           A     I have no idea what their policies are.

7           Q     All right. I'm going to talk to you now  
8 about taking FMLA leave. Did you ever, during the  
9 time that you were employed by CHS, ever have your  
10 FMLA leave denied?

11          A     Yes.

12          Q     Okay. When?

13          A     I don't remember the timeline. Initially, I  
14 filled out the paperwork -- well, Dr. Lee filled out  
15 the paperwork and I submitted it. And there was --  
16 because of the nature of his illness, she had put in  
17 dates where we knew he would be out of school and I  
18 was going to be taking time off and doing his creams  
19 at a more frequent interval. And then if he had  
20 periodic flares, that was unpredictable.

21                So she had written something in there. I  
22 don't remember that there was these set days, and then  
23 there were these unknown days.

24                And I took some FMLA, and then it was  
25 retroactively denied because Dr. Lee didn't define the

1 -- the days where he was possibly going to have a  
2 flare, which is ridiculous. She --

3 Q Let's be careful here. Was it retroactively  
4 denied or did they just simply ask for more  
5 information?

6 A No. They --

7 MS. HAGAN: Objection -- testifying.

8 THE REPORTER: I'm sorry. What did you  
9 say, Ms. Hagan?

10 MS. HAGAN: I said objection.

11 Counsel's testifying. Form of question. Objection to  
12 form.

13 BY MS. CANFIELD:

14 Q Go ahead, Dr. Kaye.

15 A If I recall, I got an email that said --  
16 because I had put in for it I think and it said that  
17 -- I think it was denied and it had to be resubmitted.

18 Q Okay.

19 A I believe that it was retroactively denied  
20 is the way I read -- recall reading that email. And  
21 --

22 Q Okay. Did you eventually -- were you  
23 eventually granted FMLA time once you resubmitted the  
24 paperwork with more specific dates?

25 MS. HAGAN: Objection. You're

1       testifying.

2                   MS. CANFIELD: No. It's a question. I  
3       said "were you."

4                   THE WITNESS: Well, I'm sorry. I can't  
5       really answer that yes or no because what happened is  
6       that they were then charging me my -- you know, I had  
7       eight hours of -- of time a day for FMLA and they were  
8       telling me to put in this one code for FMLA and this  
9       other code for annual leave. Because I had annual  
10      leave, so it wasn't unpaid time. And then they were  
11      charging me 18 hours a day instead of 9.

12      BY MS. CANFIELD:

13           Q       Was that eventually corrected?

14           A       I have no idea because all these concerns  
15      that I brought to everyone's attention were considered  
16      me -- you know, I was labeled as being petty and  
17      having a litany of complaints and not being a team  
18      player, and resistant and overly concerned about  
19      benefits. None of it was taken seriously. I -- and  
20      the payroll --

21           Q       Was that the same with your union, too? Did  
22      you complain to your union about the FMLA leave?

23           A       I complained to my union about the reduction  
24      in pay as demonstrated by my W-2s in '18 -- I guess it  
25      would be '18 and '19. I complained -- I was supposed



1 to get the doctors in Doctors Council union after  
2 ratification of the contract were supposed to get  
3 backpay, which periodically happened over the, you  
4 know, 20 years. You would get some amount of money.  
5 And I never got any information about how much I was  
6 supposed to get, and if I got it all. CHS wouldn't  
7 give me any information. My union -- I have slews of  
8 emails -- I guess we'll go to the Manhattan DA's  
9 office at some point --

10 Q Did you turn over those emails to your  
11 attorney so they could be turned over to me about your  
12 complaints about CHS?

13 MS. HAGAN: Objection.

14 THE WITNESS: No because we're not  
15 suing my union at this point, so I didn't.

16 BY MS. CANFIELD:

17 Q But aren't they complaints to your union  
18 about CHS?

19 MS. HAGAN: Objection.

20 THE WITNESS: They're complaints about  
21 discrepancies in my pay and wanting to clarify -- I --  
22 Jonathan Wangen fiddled around with my full-time  
23 status so I would only get two-thirds of my bonus  
24 retention. I was even told that when I called central  
25 office. It was Matthew Camponese's [ph] secretary.

1 She's like, "Oh, no. Jonathan Wangel confirmed that  
2 you're only part-time." So --

3 BY MS. CANFIELD:

4 Q So let me ask you a question. Right now,  
5 I'm going to call for the production of the emails  
6 between you and your union about pay discrepancies.

7 MS. HAGAN: Objection. And I'll take  
8 it under advisement.

9 MS. CANFIELD: You can take it under  
10 advisement.

11 BY MS. CANFIELD:

12 Q You can continue.

13 A Yeah. So then I guess, you know, the FMLA  
14 -- you know, I don't know if I got double charged. I  
15 don't -- I -- there was just so much monkey business  
16 going -- going on with my time and leave that it was  
17 just one thing after another. The retroactive -- my  
18 union said that it was unheard of. And I spoke to  
19 people at Bellevue -- just like gratuitously docking  
20 employees' pay. And this happened two -- two pay  
21 periods in a row, docking me for the Jewish holidays,  
22 taking off the Jewish holidays with this dump-and-run  
23 email Friday afternoon when I'm supposed to get paid  
24 and my paycheck is --

25 And I asked if I could, you know -- well,

1 this was not an error of mine. Chronos said I had  
2 time. I called payroll, they said I had time. Labor  
3 Relations sent me an email and said I had time. It  
4 wasn't my error. So if it is an error, I can -- why  
5 can't I have code 45 which is advanced annual leave?  
6 And --

7 Q Did you request advanced annual leave?

8 A Yes, I did. And I --

9 Q Okay. And was it granted? When you had  
10 exhausted all your annual leave, was it granted?

11 A I was marginalized and ignored. No one  
12 responded to my email.

13 Q Okay. All right. The record will reflect  
14 what happened because I know there's plenty of emails  
15 on that topic.

16 Why did you request FMLA leave?

17 MS. HAGAN: -- so --

18 MS. CANFIELD: Excuse me. Why --

19 THE REPORTER: I'm sorry, Ms. Hagan.  
20 If you can start over, whatever you just said.

21 MS. HAGAN: First and foremost, how can  
22 she say she knows there's so many emails on this topic  
23 and didn't produce them? What are you talking about?

24 BY MS. CANFIELD:

25 Q Dr. Kaye, for what reason did you take FMLA

Melissa Kaye

Page 300

1 leave?

2 A To provide the -- Dr. Lee TCM protocol for  
3 my son.

4 Q Okay. Is that the only reason that you took  
5 FMLA, or did you take it at any other time for another  
6 reason?

7 A I think I had taken some annual leave for --  
8 for a death in the family, which was the normal thing  
9 that always would -- how it was done at Bellevue. And  
10 if they wanted to do it differently, that was fine.  
11 But I came back and there was this big bruhaha that I  
12 should have taken FMLA for that.

13 Q Were you taking care of your children during  
14 that time or was it bereavement leave?

15 A Well, it was -- it was partially bereavement  
16 leave, but it was also ended up being over what would  
17 have been, like, the winter break for -- for the  
18 holiday season. And that was something that I -- that  
19 Dr. Lee had put down as a schedule time that I would  
20 take off to do the treatments more intensely -- more  
21 frequently.

22 Q Okay. Okay.

23 A So it was -- so I think I took the four days  
24 of bereavement leave and then I think -- I'm -- I'm  
25 not really sure, but I remember that they were trying

Melissa Kaye

Page 301

1 to act like I had -- was trying to pull a fast one or  
2 something because I didn't put in for FMLA because I  
3 had a death in my family. And they started --

4 Q Okay. All right. Any other time that you  
5 took FMLA leave other than the time that you described  
6 to take care of your son's medical condition?

7 A Well, no. I had asked for the -- the  
8 tabulation that they're supposed to keep for my FMLA.  
9 I wanted those documents. I had asked for those and I  
10 was never able to get them.

11 Q Okay. What about --

12 THE WITNESS: So I'm getting a text  
13 about --

14 MS. CANFIELD: Yeah. Let's take a  
15 five-minute break. I'm getting a call from a client.

16 THE WITNESS: Okay. Thank you.

17 THE REPORTER: The time is 5:44 p.m.  
18 We're off the record.

19 (Off the record.)

20 THE REPORTER: The time is 5:51 p.m.  
21 We're back on the record.

22 MS. CANFIELD: Okay.

23 BY MS. CANFIELD:

24 Q Dr. Kaye, we were talking about your FMLA  
25 usage and I had asked you what purposes you had taken

1 FMLA. If it was for your son's medical condition.

2 Have you ever taken FMLA -- requested FMLA  
3 for your own medical condition while working for CHS?

4 A I -- I know I requested reasonable  
5 accommodations for my medical condition.

6 Q Okay.

7 A But I can't recall -- I don't -- I don't  
8 recall -- I mean, I went out on FMLA at HHC with the  
9 pregnancy stuff, but --

10 Q Okay.

11 A -- I don't think I -- I don't think I did.

12 Q Okay.

13 A I know I did request reasonable  
14 accommodations for myself.

15 Q Okay. And were those reasonable  
16 accommodation requests granted?

17 A No.

18 Q No? Okay. What was your request?

19 A To be returned to my previous shift that had  
20 been my shift at Bellevue when I was grandfathered in  
21 and that I was promised I would be able to keep.

22 Q Okay.

23 A And also possibly a split shift and some  
24 partial remote work.

25 Q Okay. And is it your testimony that your

1 reasonable accommodation request was flatly denied, or  
2 was there some modification given to you for your  
3 medical condition?

4 MS. HAGAN: Objection to form.

5 THE WITNESS: All I recall is that I  
6 think they said that -- I think the split shift --  
7 they didn't really -- it wasn't like I got to talk to  
8 anybody. I was kind of -- I was called on the phone.  
9 I didn't get to have a discussion. This person -- I'm  
10 trying to think of his name. I think it was Kevin  
11 Marazzo [ph] and there was this other person --  
12 Gardner [ph] or -- with an R. Robert or Randy,  
13 Ronald. Somebody Gardner. These were the two people  
14 I had interacted with over email mostly. Maybe one or  
15 two phone calls.

16 BY MS. CANFIELD:

17 Q Okay. And what did they tell you in  
18 relation to your accommodation request?

19 A Well, I didn't really get to interact with  
20 management. They would just give me these, like --  
21 these vague kind of -- well, you know -- like, Jain  
22 never talked to me about it. Ford never talked to me  
23 about it. Yang never talked to me. Wangen never  
24 talked to me. Macdonald never talked to me. No one  
25 ever talked to me. They avoided me like I was

Melissa Kaye

Page 304

1 radioactive because I had dared to ask for equal pay.

2 So it -- he just would -- he called me up.

3 He sounded like an old man. He sounded a little -- I  
4 don't know. Just old.

5 Q Who is "he"? The EEO person?

6 A Yeah. Marazzo I think.

7 Q Okay.

8 A And he -- he said --

9 Q What did he say?

10 A That my -- my request for a split shift was  
11 denied. My request for a return to my previous shift,  
12 which was, you know, eight and a half hours.  
13 Everybody else was working eight hours. How can you  
14 say that I needed to be there nine hours? That's  
15 crazy.

16 Q Okay. So what did he tell you about that --  
17 returning to your prior shift?

18 A And he said something like -- that because I  
19 -- that he was told that because I had an EEOC  
20 complaint, they were told to do nothing and that they  
21 weren't going to allow me to do anything because  
22 something like -- he said something like it was  
23 because of my EEOC complaint, that they weren't going  
24 to give me my shift back. And by the way, my -- my  
25 union was told the same thing by Wangel, about the



1 harassment around the educational leave and the shift  
2 change. He told my union member that it was because  
3 they were -- about my EEOC complaint and that my union  
4 member --

5 Q So it's your testimony that your reasonable  
6 accommodation was never granted?

7 A I never got my shift returned to what it was  
8 supposed to be before the retaliatory, harmful shift  
9 change.

10 Q Did you get any adjustment to your shift as  
11 a result of your reasonable accommodation request?

12 A Nothing that was reasonable. They -- they  
13 said that I could come in at 9:00 and leave at 6:00,  
14 or come in even sometimes at 10:00 and leave at 7:00.  
15 That's not reasonable. That was not -- that doesn't  
16 -- that didn't help me because either I had problems  
17 on the front end or problems on the back end. And all  
18 they needed to do -- it wasn't going to cost them a  
19 dime. It wasn't going to impact the service in one  
20 iota of a way, is to give me back the shift that they  
21 promised I was going to have when I rolled over, but  
22 they knew that if they kept torturing me with this  
23 shift change, that it would force me out the door.  
24 And the goal was to force me out the door, and I know  
25 that because Dr. Jain in a meeting that I had with him

1 in October 2018, he didn't want to meet with me. He  
2 would avoid me like the plague. I kind of got him to  
3 come into my office that day. I wrangled him into my  
4 office. He reluctant -- he kept saying he had to go  
5 to Brooklyn, he had to do this, he had to do that.  
6 But I got him into my office and I complained about  
7 the shift change and he said something to me that was  
8 causing this -- it was like killing me. And he said  
9 something like, you know -- I talked about the  
10 hardship of my kids and stuff like that, and he said  
11 that childcare issues aren't a concern for CHS.  
12 Something like that.

13 And I did get upset. I started to cry. I  
14 was like, "I'm going to have to quit. This is going  
15 to -- you know, force me to resign." And he became,  
16 like, so excited when I said that. He's like, "Well,  
17 what's your resignation date? When are you going to  
18 resign?" I'm going -- I'm going to AAPL, which is the  
19 American Academy of Psychiatry and the Law. And  
20 there's job postings there and I -- I can fill your  
21 position. I need to know what -- and he kept  
22 pressuring me, like, when I was leaving. And -- and  
23 to give him a resignation date.

24 And then the other thing that they kept  
25 doing to humiliate me was to put me into People Soft

Melissa Kaye

Page 307

1 and make Dan Mundy the -- the -- my direct report-to.  
2 So he kept getting emails coming --

3 Q Okay. Why do you think that -- okay. So  
4 you're saying that the People Soft and sharing your  
5 personal information, I think that's how you  
6 characterized it in the complaint, was in retaliation  
7 for your complaint?

8 A It was just very suspicious. It kept  
9 happening over and over again.

10 Q Okay. And so what reason would they do  
11 that? You had given some things that you believe why  
12 they had changed your shift and you said the HIPAA --

13 A I --

14 Q Hold on. You said the HIPAA changes, your  
15 pay equity -- complaints, pay equity complaints and  
16 private practice complaints.

17 What I want to know is are there any other  
18 complaints that you made that you believe caused  
19 retaliation, whether denying reasonable accommodation,  
20 denying FMLA, any problems with People Soft, any  
21 problems with timekeeping in Chronos? What else did  
22 you complain about that you believe caused  
23 retaliation?

24 A I complained about the private practice to  
25 either IG or DOI. I complained --

Melissa Kaye

Page 308

1 Q When did you do that?

2 A It was -- it came out in July-ish. I think  
3 I did that in September. Early -- early September,  
4 late August. I don't know.

5 Q Of 2018?

6 A September -- yeah.

7 Q And how did you complain to DOI?

8 A I called them from my office.

9 Q You called them from your office? Did you  
10 ever follow-up with --

11 A Actually -- was --

12 THE REPORTER: I'm sorry. What was the  
13 question?

14 THE WITNESS: -- from her office, yeah.

15 MS. CANFIELD: I asked her how she  
16 complained to DOI about the private practice policy.  
17 BY MS. CANFIELD:

18 Q And you just testified you called them from  
19 your phone in your office?

20 A I think it might have been in LaKeisha's  
21 office that I called them from. It might have -- my  
22 office of LaKeisha's office.

23 Q And did --

24 A I'm not 100 percent it was DOI. It was some  
25 kind of number, like, report -- you know, concern kind

Melissa Kaye

Page 309

1 of public fraud number. And I believe it was -- I  
2 don't know if it was like some number that HHC had on  
3 its website to report fraud. I'm -- I'm -- I'm -- I  
4 don't know if it --

5 Q Did you actually speak to a person or did  
6 you have to leave a message?

7 A No. I spoke to a person several times.

8 Q And what was that person's name?

9 A I didn't -- I don't know.

10 Q Did you ever have follow-up email  
11 conversations with this person?

12 A He told me to call back in a month, and I  
13 did. And he told me it was still being investigated.

14 Q And you talked to him several times, but you  
15 don't know his name?

16 A Uh-uh.

17 THE REPORTER: Please verbalize your  
18 answer.

19 THE WITNESS: No, I don't.

20 BY MS. CANFIELD:

21 Q Did he ever send you an email?

22 A No.

23 Q Did he request information from you byway of  
24 email?

25 A No.

Melissa Kaye

Page 310

1 Q Did you ever email him information?

2 A No.

3 Q Okay. Did you go and sit for an interview  
4 with DOI?

5 A No.

6 Q Okay. Any other complaints besides the  
7 private practice complaint you made to Dr. Jain, DOI,  
8 the HIPAA release complaints and the pay equity  
9 complaints?

10 A I complained to COB.

11 Q COIB?

12 A Yeah, COIB.

13 Q About the private practice policy?

14 A Yes.

15 Q Okay. And when did you do that?

16 A I did it twice. The first time I did it not  
17 -- not too long. After I realized that they weren't  
18 going to take me seriously and that I was getting  
19 information that Dr. Mundy was rigging exams.  
20 Elizabeth Owen was rigging exams, in cahoots with  
21 attorneys. I --

22 Q Did you complain to anyone that they were  
23 rigging exams? That Dr. Owen and Dr. Ford were  
24 rigging exams?

25 A Yeah. No, Dr. Mundy.

1 Q Who'd you complain to?

2 A Dr. Ford wasn't doing exams. It wasn't Dr.  
3 Ford.

4 Q Who did you complain to about Dr. Owen  
5 rigging exams?

6 A In that meeting in -- with Dr. Jain, in  
7 October of '18, I -- he -- I was complaining that  
8 Mundy was being -- that I was being put under Mundy's  
9 supervision. And I think it happened -- I know it  
10 happened, like, three or four times over the course of  
11 the CHS when I was under the auspice of CHS.

12 Q Okay. Are you talking about the emails that  
13 he -- on which he was copied? Where you claim that  
14 your personal information was being shared?

15 A Yeah. He got a copy of the FMLA. And he --  
16 so I -- and I had gotten upset about that, so I was  
17 being reprimanded for getting upset about that by Dr.  
18 Jain in that meeting.

19 Q Okay.

20 A And I said, "I do not want" -- you know, "I  
21 am not comfortable with Dr. Mundy's behavior and what  
22 he does and how he was hired." And I explained how  
23 when I was talking to Dr. Mundy when he was thinking  
24 about getting the job for directorship, and Elizabeth  
25 Owen had been elevated to this kind of administrative

1 role in CHS by -- by Patsy Yang. And she was  
2 interviewing people. I know she interviewed Dr. Jain.  
3 She interviewed Dr. Mundy. She interviewed Dr. Barry.  
4 Anybody who she was interviewing -- she was like part  
5 of the leadership administrative team.

6 And Mundy told me -- he's like, "Well, you  
7 know, I got interviewed and I had to agree that, you  
8 know, if" -- you have to remember, Elizabeth Owen was  
9 in charge of that pilot -- the Queens pilot project  
10 and they were obsessed with cutting -- cutting the  
11 turnaround time and the numbers down and getting,  
12 like, manufacturing the statistics about how  
13 successful it was. So any delay in a case was going  
14 to mess up their optics.

15 So he said that he -- Elizabeth Owen said,  
16 you know -- that he agreed as part of being hired that  
17 he would "cut corners and do a less thorough job" on  
18 -- on exams and find people unfit, especially  
19 misdemeanors, to get them off the island. That's what  
20 he told --

21 Q Who said that?

22 A Mundy told me that. And so --

23 Q So he would find people unfit to get them  
24 off the island. And why is that?

25 A He -- he told me that part of being hired



1 was to agree to do a less thorough job to find people  
2 unfit and get them off the island because of the  
3 loophole in New York City -- well, it's New York  
4 State. If you're found unfit on a misdemeanor, your  
5 case is dismissed and --

6 Q Okay. Wait. Stop there. So who -- who --

7 MS. HAGAN: No, she has to finish. She  
8 has --

9 BY MS. CANFIELD:

10 Q No. I want to know who told Dr. Mundy --

11 MS. HAGAN: No because this goes to her  
12 --

13 THE REPORTER: I'm sorry. Please speak  
14 one at a time.

15 MS. HAGAN: I'm saying she goes to her  
16 constitutional claims and you keep interrupting her  
17 every time she talks about her first amendment  
18 retaliation claims.

19 MS. CANFIELD: I'm just trying to  
20 figure out the veracity of her testimony.

21 BY MS. CANFIELD:

22 Q Who did Dr. Mundy say to him -- that told  
23 him that he had to find people fit to get them off  
24 Rikers in order to get the director position?

25 A No, that's not what I said.

1 Q Okay.

2 A He interviewed with Elizabeth Owen for the  
3 position as director, and told me that he was informed  
4 and had to agree to do a less thorough job and cut  
5 corners to find people unfit, not fit. Unfit.  
6 Especially on misdemeanors. So they're -- to get them  
7 off the island.

8 Q Okay. So you're saying that Elizabeth Owen  
9 interviewed Dr. Mundy for the Manhattan director  
10 position and that he told you that Dr. Owen said, "As  
11 a condition of your hiring, you have to find them  
12 unfit"?

13 A That's not quite what I'm saying, but he was  
14 told to do a less thorough job and cut corners to find  
15 people unfit to get them off the island.

16 Q Okay. And you're saying --

17 A That's almost verbatim quote. He said, "On  
18 misdemeanors." And the -- the -- the CPL 730 law in  
19 New York State has a provision that if an inmate -- if  
20 a defendant is found unfit on a misdemeanor, his  
21 charges are dropped, his case is dismissed and he's  
22 released from custody. So --

23 Q I understand that. I understand. I'm not  
24 interested in the law. What I'm more interested in is  
25 this conversation between Dr. Mundy and Dr. Owen.

Melissa Kaye

Page 315

1                   This was during his job interview?

2                   MS. HAGAN: But the law impacts -- it's  
3 a matter --

4                   MS. CANFIELD: I understand the law. I  
5 want to know about the complaint.

6                   MS. HAGAN: Well, it's a matter of  
7 public concern and that's part of her first amendment  
8 --

9                   MS. CANFIELD: I understand, Ms.  
10 Hagan. I want to know who said what when.

11                   THE REPORTER: I missed what you said,  
12 Ms. Hagan. I'm sorry.

13                   MS. HAGAN: I said this is part of her  
14 first amendment retaliation complaint -- claim and  
15 that this is a matter of public concern. And I asked  
16 Counsel to stop interrupting her because she's making  
17 the record to substantiate her claim. That's what I  
18 said.

19 BY MS. CANFIELD:

20                   Q I just want to know who said what to whom  
21 because as I see it, it's all hearsay.

22                   So who said -- you said Dr. Mundy told you  
23 that Dr. Owen told him that he had to do a less  
24 thorough job in order to find them unfit to get them  
25 off Rikers?

Melissa Kaye

Page 316

1 MS. HAGAN: How is -- had the  
2 conversation with Dr. Kaye? Stop testifying.

3 THE REPORTER: Please repeat what you  
4 said, Ms. Hagan.

5 MS. HAGAN: I said how is it hearsay if  
6 Dr. Kaye --

7 MS. CANFIELD: It doesn't matter. It  
8 doesn't matter. This is evidence --

9 MS. HAGAN: -- with Dr. Kaye.

10 THE REPORTER: I missed what you said  
11 again, Ms. Hagan. I'm sorry.

12 MS. HAGAN: How is it hearsay if Dr.  
13 Mundy had the conversation with Dr. Kaye? This is  
14 something that she had a conversation with Dr. Mundy  
15 about, that he had a conversation --

16 MS. CANFIELD: I'm not going to go into  
17 you about the rules of federal evidence.

18 MS. HAGAN: Yes.

19 BY MS. CANFIELD:

20 Q Dr. Kaye, after Dr. Mundy told you this, did  
21 you in turn tell someone else about it?

22 A I told Dr. Winkler and --

23 Q Okay.

24 A -- he said, "That didn't happen during my  
25 interview." And I told -- I told Jeff Bloom. And I

Melissa Kaye

Page 317

1 told --

2 Q Okay.

3 A -- and I told Dr. Jain. And when I told Dr.  
4 Jain that I -- you know, about my concerns about Dr.  
5 Mundy in general and that it was particularly  
6 offensive and concerning to be put as his subordinate  
7 --

8 Q Okay.

9 A -- and then I told him about this what I  
10 call rigging exams. He told -- he responded to me --  
11 he got this very, like -- starting pursing his lips  
12 and furrowing his brow. And he said to me, "We have  
13 to make CHS look good. We have to make CHS look  
14 good." And then he, you know, kept reverting back to,  
15 "When are you going to quit? When are you going to  
16 resign?"

17 And then he was very dismissive and callous  
18 about my childcare issues, and he had been bragging to  
19 me ever since I met him that his wife was a child  
20 psychiatrist. So I -- I asked -- I told him. I said,  
21 "Well, if this is not an issue that, you know, fits  
22 into your life experience, why don't you talk to your  
23 wife about how difficult it is for a single mother to  
24 have her shift changed unnecessarily?" And then he  
25 got very angry with me and he said, "Don't -- don't

1 bring my wife into this. That -- you're being  
2 abusive." And I said, "No. You know, changing my  
3 shift is abusive. That's what's abusive."

4 And so that was the last time I met with him  
5 and I do not believe he followed up on any of my  
6 concerns about Dr. Mundy. And I think I continue to  
7 get put under him as his subordinate.

8 Q Okay. All right. I'm going to move on now  
9 because we're running out of time.

10 MS. CANFIELD: Ms. Hagan, I did send  
11 you a document. I sent the court reporter --  
12 unfortunately, my comments are on the document, but I  
13 don't think it matters much because I'm -- these are  
14 comments that I want to ask -- I want to talk to the  
15 witness about.

16 MS. HAGAN: Let her -- I'd like to look  
17 at the document first, too.

18 MS. CANFIELD: Okay. I'm going to  
19 share it. You can look at it at the same time. These  
20 are the medical records that we received from Dr.  
21 Paola Alessio.

22 MS. HAGAN: Paola.

23 MS. CANFIELD: Paola Alessio.

24 THE WITNESS: Paola. Paola. It's -- I  
25 think it's for Paula in Italian.

Melissa Kaye

Page 319

1 MS. HAGAN: Yeah.

2 MS. CANFIELD: So this is a 67-page  
3 document.

4 MS. HAGAN: Mm-hmm.

5 MS. CANFIELD: It's bearing Bates  
6 stamps number D001588 to D001654. The front page is a  
7 cover letter from Dr. Alessio indicating that the --

8 MS. HAGAN: And I'd like to point out  
9 that Counsel was supposed to produce all -- all  
10 documents that she subpoenaed and got responses to her  
11 subpoenas, and she never produced this document.

12 MS. CANFIELD: I'm producing them right  
13 now.

14 MS. HAGAN: -- before the deposition.  
15 I didn't --

16 MS. CANFIELD: And --

17 MS. HAGAN: -- before the deposition.

18 MS. CANFIELD: You can make the record,  
19 but the same thing happened during your depositions of  
20 the defendants. So --

21 MS. HAGAN: Not true.

22 MS. CANFIELD: Okay. You can take it  
23 up with the Court. These are the medical records that  
24 were provided by Dr. Alessio --

25 THE REPORTER: I'm sorry. I can't take

Melissa Kaye

Page 320

1 the record with you both speaking at the same time.

2 MS. HAGAN: There's a combination of  
3 documents here because you have I guess some kind of  
4 medical record production email, but then on top of  
5 that, you have the Amended Complaint in here as well.  
6 The First Amended Complaint. Are you trying to  
7 introduce both into evidence here?

8 MS. CANFIELD: No. What I have here --  
9 it's a 67-page document. The first page is a cover  
10 letter from Dr. Alessio indicating that they received  
11 a request for authorizations and that this is the  
12 material that's being disclosed. And close record  
13 contains 63 pages. And there's the -- a note that  
14 says 75 cents per page at 42.25.

15 The next document is a cover letter  
16 from my office requesting the information from Dr.  
17 Alessio. And after that is the HIPAA release that Dr.  
18 Kaye signed and filled out for the release of the  
19 records.

20 And here's the invoice that Dr. Alessio  
21 charged the Law Department for the records.

22 MS. HAGAN: Mm-hmm.

23 MS. CANFIELD: The records begin on  
24 Bates stamped page D001592.

25 //



1 BY MS. CANFIELD:

2 Q Now, Dr. Kaye, if you look at this document,  
3 it's dated what appears to be a email to Dr. Alessio  
4 from Psychology Today dated January 19, 2019, where  
5 you say, "Hi, Dr. Paola Alessio. This email comes to  
6 you via your profile at Psychology Today." From  
7 Melissa, email melissakayemd@gmail.com, and your phone  
8 number. The subject is "Possible session."

9 "Hi, I got your name from Marina R. I'm  
10 going through a lot and looking for therapy. Thanks,  
11 Melissa."

12 Dr. Kaye, do you recognize this email?

13 A I don't, but I sent out of requests  
14 beginning in December because I was looking for a  
15 therapist since the beginning of -- of December. So  
16 --

17 Q Okay.

18 A -- I'm not surprised to -- to see this  
19 because it was --

20 Q Okay.

21 A -- I was looking for someone to talk to.

22 Q Okay. And then there's some correspondence  
23 between you and Dr. Alessio about scheduling an  
24 appointment.

25 You described her earlier as a bio-energetic

1 therapist. What exactly does that mean?

2 MS. HAGAN: No, she didn't. You're  
3 mischaracterizing her testimony.

4 MS. CANFIELD: Then I'll withdraw the  
5 question.

6 BY MS. CANFIELD:

7 Q It looks here that there's a handwritten  
8 note that's dated January 28th, it looks like 2019,  
9 where there's some notes perhaps reflecting a  
10 conversation that you had with Dr. Alessio about the  
11 death of your brother. And you have two children.  
12 You have a boy with health problems and that you're  
13 suing your employer. Does that -- are those three  
14 things that you may have shared with Dr. Alessio?

15 A Yeah. I was going through a lot of stress.  
16 Like I said -- I mean, before my brother died. And  
17 then of course during and after. So those were  
18 stressors in my life, yes.

19 Q Okay. I'm going to just turn you to Bates  
20 stamped page number D001598. And it's an email from  
21 you to Dr. Alessio dated March 11, 2019, in which  
22 you're asking for additional times for therapy because  
23 you're meeting with your union.

24 You say, "The reason is that I have time  
25 today. And Thursday, my union is having a seminar

1       about the retirement process, which I will be doing in  
2       five months. So I wanted to attend, if possible."

3                       MS. HAGAN: Objection.

4                       THE WITNESS: Yeah.

5       BY MS. CANFIELD:

6               Q       Were you, in March, planning on retiring in  
7       five months, which would have been August 2019?

8               A       If things didn't get better at work and I  
9       had to, I was going to look in -- I wanted to look  
10      into it because it was pretty unbearable. And this  
11      was March 19th. I had -- I had been going through --  
12      it was one thing after another. The shift change, the  
13      -- the mucking around with my time, the non-  
14      transparency with my timesheets, the -- being  
15      excluded. I was being harassed and -- and teased by  
16      administrative staff. Andrea Swenson was basically  
17      ridiculing me and mocking me and turning her report-  
18      tos against me, including LaKeisha. I mean, people --  
19      I'd have a nice conversation with them and then two  
20      weeks later, they'd come up to cover in Bronx Court  
21      Clinic -- this woman, Anansa Gail [ph] from the --  
22      from the Manhattan Court Clinic would come up to cover  
23      for -- for LaKeisha. And she would, like, glare at me  
24      and wouldn't even, like, talk to me. And it was  
25      insane.

1                   And I'd ask for help with the Chronos  
2                   timekeeping program and -- and I would get made fun  
3                   of. I would ask that people --

4                   Q       Sorry to interrupt. Did you share any of  
5                   this with Dr. Alessio?

6                   A       Well, she basically said, "It sounds like  
7                   it's a snake pit. You know, you should get out of  
8                   there." That was always her -- her position on what  
9                   was happening to me at work. That these people sound  
10                  like --

11                  Q       Okay.

12                  A       -- horrible and you should -- it's a snake  
13                  pit and you should get out of there. I mean, she --  
14                  she was of the opinion that the work environment was  
15                  very harmful and negative for me, and I should -- I  
16                  should get out.

17                  Q       Okay.

18                  A       -- talked about --

19                               THE REPORTER: What did you say after  
20                   "I should get out"?

21                               THE WITNESS: We talked about that in  
22                   my sessions.

23                               MS. CANFIELD: Okay.

24                               MS. HAGAN: And for purposes of the  
25                   record, this is Exhibit D and it bears the Bates stamp

1 D1588 to I think it's D1654.

2 (Exhibit D was marked for  
3 identification.)

4 MS. CANFIELD: Yes. Thank you, Ms.  
5 Hagan.

6 BY MS. CANFIELD:

7 Q I'm going to direct you to another email.  
8 It's Bates stamped D001604. And it looks like on  
9 April 30th of 2019, you informed your therapist that  
10 you officially sued --

11 A Mm-hmm.

12 Q -- HHC?

13 A Mm-hmm.

14 Q Okay.

15 THE REPORTER: Please verbalize your  
16 answer.

17 THE WITNESS: Yes.

18 BY MS. CANFIELD:

19 Q Okay. Then -- I'm sorry?

20 A Yes. Your -- yes. Go ahead.

21 THE REPORTER: Ms. Hagan, did you say  
22 something?

23 MS. HAGAN: I asked if there was a  
24 question that Ms. Canfield had.

25 MS. CANFIELD: I haven't asked it yet.

1 BY MS. CANFIELD:

2 Q In the email -- document Bates stamped  
3 number D001606, you again -- you say that you didn't  
4 have a chance to review the complaint that was filed,  
5 but it looks pretty good. And that you also send your  
6 therapist a copy of the complaint.

7 For what reason did you send your therapist  
8 a copy of the complaint?

9 A Because suing my employer, especially when  
10 my employer is New York City, was incredibly stressful  
11 and I needed support around it.

12 Q Okay. Now you also discuss that you learned  
13 on May 6th of 2019 -- and this document's Bates  
14 stamped D001608 -- that you learn some information  
15 about your family related -- and you -- and related to  
16 wishing that your brother was there to process it with  
17 you.

18 When did your brother die?

19 A December 15th or 16th of 2018.

20 Q Okay. And was part of the reason that you  
21 were seeking therapy was to process the death of your  
22 brother?

23 A It added to my problems. I started looking  
24 for therapy before my brother died, but I started  
25 sending out and requesting to find a therapist in

1 December before my brother died. And then after my  
2 brother died, it was -- I -- you know, there was as  
3 much or more of a need. I needed support around my  
4 being what I felt was being bullied and harassed and  
5 pushed out of my job, and then the death of my brother  
6 unexpectedly. And so I was looking for a therapist to  
7 talk to.

8 Q Okay. And then it appears, too, that you  
9 share with your therapist that you -- someone had  
10 notified you that you had a half-brother; is that  
11 true?

12 A Yeah.

13 MS. HAGAN: Objection.

14 THE WITNESS: Well, I had gotten an  
15 email from this woman, Gaye [ph], who is a third  
16 cousin. You can read the email. And apparently, you  
17 know, shortly after my brother died -- my brother died  
18 in December. This is May. She told me that through  
19 some kind of ancestry.com or 123 DNA or whatever those  
20 sites are, that she had gotten this close match with  
21 -- with this person. And it turned out that the  
22 person was my father's son, who my father never knew.  
23 We didn't know that he had fathered this person,  
24 Jonathan, before he left Brooklyn, before he left New  
25 York, before he met my mom, before he married her,

1 before I was born.

2 He was -- I guess Jonathan was -- I  
3 don't remember. I think it turned out that he was  
4 maybe five years older than me. And so it was pretty  
5 shocking and, you know, it would -- he would have also  
6 been -- my brother who died, he would have also been  
7 -- Jonathan would have been my brother's half-brother,  
8 too.

9 So it was shocking news, and then my  
10 brother was gone so I didn't really -- the one person  
11 that, you know, it would have impacted the most was my  
12 -- my brother who had died.

13 And so I had to -- so I started  
14 communicating with this person, Jonathan, who is my  
15 unknown half-brother through my father.

16 BY MS. CANFIELD:

17 Q And do you have a relationship with this  
18 individual now?

19 A I was in touch with him. I met him. He had  
20 -- ironically, he had ties to Manhattan and the  
21 Pentagon, just like my brother who passed away did.

22 And I did meet Jonathan and I was scheduled  
23 to meet him and his daughter, Rebecca, who would be my  
24 niece. And then Jonathan had some kind of incident  
25 where he fell and had hurt his -- got a head injury



1 and he was going to reschedule, and then the pandemic  
2 hit. And I don't know, I just -- I never heard from  
3 him after the pandemic. And I've thought about  
4 reaching out to him, but my life has been -- like  
5 everybody's -- you know, turned upside down. And the  
6 lawsuit continues to drag on and I'm having employment  
7 issues because of the retaliatory disciplinary  
8 actions.

9 So I have a very full plate and I did not  
10 reach out to him since the pandemic hit, and he did  
11 not reach out to me. So --

12 Q Okay.

13 A -- I would say prior to the pandemic, yes,  
14 we were in touch and we were communicating, and we had  
15 met on one occasion.

16 Q Okay. I also want to point you to an email  
17 Bates stamped D001621. Which you -- before you sent a  
18 picture of Dr. Ford in what looks like an article  
19 concerning a book that Dr. Ford has written?

20 A Mm-hmm.

21 Q And you refer to her as -- you state as the  
22 subject matter of the email, "She's as much politician  
23 as a doctor. Very power-hungry."

24 It sounds like that you dislike Dr. Ford  
25 very strongly; is that fair to say?

Melissa Kaye

Page 330

1 MS. HAGAN: Objection.

2 THE WITNESS: I wouldn't categorize  
3 that. I -- I don't respect Dr. Ford. She engages in  
4 a lot of forensic and clinical practice violations  
5 that are harmful to the courts, that are harmful to  
6 patients. She behaves inappropriately with patients.  
7 She puts herself -- she says that she's in love with  
8 her patients and allow -- allows them to use her as a  
9 masturbatory tool. She doesn't believe in record  
10 review, that's why Nicolas Feliciano is braindead.  
11 She tried to ruin my career because I wanted to use  
12 unredacted records. She lied and said that's the  
13 standard, and it's not the standard.

14 So I don't respect her. I don't think  
15 she's a nice person. She didn't give -- when my -- in  
16 2012 and I sent her an email that my father had died  
17 and I was going back to Colorado for the funeral, she  
18 never even responded to the email. And I just thought  
19 that was pretty telling and pretty cold.

20 And then similarly, when my brother  
21 died in 2018, she was -- she never offered any  
22 condolences and she never acknowledged it. And --  
23 went through the -- I mean, sorry. Dr. Jain went  
24 through the motions and sent me an email asking if  
25 there was anything he could do. It was kind of

1     proforma. And then when I actually asked him -- I  
2     said, "Yes. There's something you can do. You can  
3     restore my shift to what it was before," because  
4     things were bad and really hard for my kids and -- and  
5     me before my brother died. And they're even worse  
6     now.

7                     I have two grieving children. I have a  
8     grieving mother. I'm grieving. Please give me my  
9     shift back. And then he forwarded that to Dr. Ford  
10    who writes back, "Ignore this." I mean, who acts like  
11    that? And then she puts -- and then she puts herself  
12    out as being concerned about her staff and staff  
13    trauma, and being transparent and being supportive and  
14    -- and talking to people and talking things out. She  
15    never spoke to me. She -- she had one meeting with me  
16    that I forced her to have in November 2018. And she  
17    cut the meeting short.

18                    So I don't -- I don't appreciate the  
19    hypocrisy. I don't appreciate the boundary  
20    violations. I don't appreciate the -- being sloppy in  
21    the way she practices medicine and then putting  
22    herself out there as some kind of -- some kind of  
23    social justice reformer when it's all about selling  
24    her books and -- and -- and giving talking points.

25    //

Melissa Kaye

Page 332

1 BY MS. CANFIELD:

2 Q Okay.

3 A And she discriminated against me and she  
4 didn't -- she's married to a very wealthy man who  
5 comes from old money in Texas, hobnobbing with the  
6 Bush family. I mean, she doesn't have to worry about  
7 supporting her kids, and yet she couldn't -- she could  
8 care less about me getting paid less than my male  
9 colleagues, and she didn't -- and then she retaliates  
10 against me and tells me, you know, she doesn't let me  
11 come to the work group. She tries to whip up a storm  
12 against me because I want to use unredacted records,  
13 and the Court's in agreement, and Winkler's in  
14 agreement, and Jain's in agreement. I mean not Jain,  
15 and Colley's in agreement, and Ciric's in agreement.  
16 And then she turns everybody against me? I mean, it's  
17 mean. She's mean.

18 Q Can I ask you a question? Was the issue  
19 with the redacted medical records in 2015, was it so  
20 much the redacted records or the fact that was  
21 upsetting, or the fact that you refused to conduct the  
22 evaluation at all?

23 MS. HAGAN: Objection. Objection.

24 Mischaracterizes the -- that actually does -- it  
25 mischaracterizes Dr. Kaye's testimony, assumes facts

1       that were not discussed.

2                   MS. CANFIELD:   It's just a question.

3       She can deny it.   Just a question.

4                   MS. HAGAN:   The best she understands  
5       the question.

6       BY MS. CANFIELD:

7           Q       Did you refuse to conduct the competency  
8       examination without the unredacted records?

9           A       Dr. Winkler and I both informed the courts,  
10       and Dr. Ciric and Dr. Colley were in agreement, that  
11       we cannot discharge our duty and do a full competency  
12       exam with redacted medical records.   And that using  
13       redacted medical records does not inform -- properly  
14       inform the Court about some -- we are unable to inform  
15       the Court about someone's capacity with -- for me,  
16       with a reasonable degree of medical certainty.   And --

17          Q       So now when Judge Torres was going to hold  
18       HHC in contempt, was that because we would not turn  
19       over the redacted records -- unredacted records or is  
20       that because we weren't conducting the competency  
21       exam?

22          A       Well, that's a misstatement and that speaks  
23       to all the rumor mill that these people base their  
24       hatred and retaliation on.   And it's all rumors.

25                   Judge Torres was never going to hold HHC or

1 CHS in contempt. That is misinformation and if  
2 anybody had spoken to me and asked me about the  
3 situation in a professional and appropriate manner,  
4 they would know the facts and not be basing the  
5 decision to manage me out on rumor.

6 No. Judge Torres was the chief  
7 administrative judge in the Bronx. He was not going  
8 to hold CHS in contempt. It was Judge John S. Moore  
9 who had ordered records, who was in Treatment Court,  
10 in Youth Court, in Sex Offender Court, and had  
11 previously been a bureau chief under Morgenthau. He  
12 was a very seasoned and experienced judge who  
13 understood criminal mental -- criminal law and mental  
14 health issues. And he ordered records for a certain  
15 case because obviously, if there's HIV-related  
16 information, that is -- you know, psychiatry is a  
17 medical subspecialty. People get cognitive -- the  
18 cognitive difficulties. They can become psychotic.  
19 They can develop mood symptoms. They can have all  
20 kinds of problems related to HIV that directly have a  
21 bearing on their capacity. And similarly with  
22 substance abuse. So --

23 Q Okay. And --

24 A -- I refuse -- no, I need to finish because  
25 I did not refuse to do anything other than I told the

1 courts I could not render an opinion with a reasonable  
2 degree of medical certainty because it -- and Dr.  
3 Winkler supported this opinion.

4 The argument was I couldn't know what was  
5 redacted and say that it didn't matter. She wants --  
6 Ford wanted us to do this illogical thing where you  
7 say, oh, you tell the courts that this is our opinion  
8 and what -- you know, and so -- and we are going to  
9 say this opinion because -- and we don't know what's  
10 redacted, but because we're going to mention that it  
11 doesn't affect the opinion. Well, how can you say it  
12 doesn't affect the opinion if you don't know what's  
13 redacted? It's an illogical argument. And I opposed  
14 violating a defendant's constitutional right to a fair  
15 trial and due process by rigging these competency  
16 exams because CHS chose to not address their concerns  
17 with the Court directly.

18 If Judge Moore ordered unredacted records,  
19 it was the obligation of HHC/CHS to challenge that in  
20 court. And that's what Judge Moore pushed them to do.

21 He said, "You do not defy it." It is  
22 unheard of for an agency to receive a judicial  
23 subpoena for unredacted records and to turn over  
24 redacted records. It's unheard of. And he wanted  
25 Deandra Newton [ph], who was HHC counsel involved in

1       this -- and it was also Lucy Calterjeroni [ph] or  
2       something. She was involved in this -- an HHC lawyer.  
3       She wanted them -- he wanted them in their court room.  
4       And legal aid was up in arms because this was  
5       happening -- this had happened on six cases. And  
6       under no circumstance were they going to allow this to  
7       happen.

8                   And Judge -- and they went to Judge Torres  
9       to tell him this was happening in multiple court  
10      rooms. It was Judge Moore, Judge Lieb. And I -- yes.  
11      I'm not going to violate a defendant's constitutional  
12      rights because CHS thinks that they can just  
13      "wantingly" be in contempt of court. No.

14           Q       Okay. Okay. Okay. I'm going to stop you  
15      there. Thank you very much. Let's go back to this  
16      document because I want to get through it.

17                   So on August 14th -- and the document's  
18      Bates stamped number D001627 -- you notified Dr.  
19      Alessio that you have to cancel your appointment  
20      because you need to get your son into therapy.

21                   What type of therapy did you need to get  
22      your son into?

23                   MS. HAGAN: Objection. Relevance. And  
24      we're not going to -- she's not going to answer that  
25      question.



1 BY MS. CANFIELD:

2 Q Let me ask you this. Do you believe your  
3 son needed to get into therapy because of the -- your  
4 work situation?

5 A It was stressing both of my children out  
6 excessively, that's for sure.

7 Q Okay. Then it's relevant to litigation.  
8 So what type of therapy were you --

9 A May I read this? Because I --

10 Q Yes.

11 A -- I'm not sure. I'm not sure. This is  
12 August 2019.

13 MS. HAGAN: Can you enlarge this so  
14 that I can see this?

15 THE WITNESS: Yeah. I'm literally  
16 squinting here. Oh, I'm sorry. Now it's like I can't  
17 see it. Can you -- please, Counselor, can -- oh, I  
18 can't see it.

19 MS. CANFIELD: Is that too big? It's  
20 off my screen.

21 THE WITNESS: Yeah. It -- that's --  
22 yeah, just let me try to read it. If we could just --  
23 I -- I'm trying to think. I had -- it's just I'm  
24 trying to think back to August. It's hard because my  
25 son had services and I guess I was getting him --

1 I mean, the stress of all this was --  
2 was not nothing. So yeah, I was -- I had my kids in  
3 therapy. So, yeah. I mean, I'm remembering I had my  
4 kids in therapy.

5 I was hoping that, you know --

6 BY MS. CANFIELD:

7 Q What type of therapy were your children  
8 involved in?

9 MS. HAGAN: Objection.

10 THE WITNESS: I -- whatever -- just the  
11 -- it was not a specialized therapy. It was just  
12 typical, supportive psychotherapy for -- for them. It  
13 wasn't -- are you asking was it -- what type of  
14 modality of therapy was being used for -- for the  
15 treatment?

16 BY MS. CANFIELD:

17 Q I guess what I'm asking is are you seeking  
18 damages related to what you claim is harm against your  
19 children as a result of the actions of HNH and the  
20 individually named defendants? Are you claiming that  
21 your children were harmed as a result?

22 A Well, absolutely unequivocally my children  
23 were harmed, and they're still being harmed.

24 Q Okay.

25 A But, you know, the damages as they're stated

Melissa Kaye

Page 339

1 in the complaint written in 2019 are -- are very  
2 different than -- and less than the damages now. I  
3 mean, I -- I'm -- I suffered retaliatory disciplinary  
4 actions that have seriously impacted my professional  
5 career and my ability to be gainfully employed.

6 So, yeah. My children were hurt and they --  
7 they've suffered and there's no question about that.  
8 So -- yeah.

9 Q Okay. So let me ask you, how have -- how  
10 has your son been impacted by your employment  
11 situation with CHS?

12 MS. HAGAN: I'm going to object. I  
13 mean, are you asking if Dr. Kaye is seeking monetary  
14 damages for the impact of these -- of her employment  
15 on her children?

16 MS. CANFIELD: Yes.

17 MS. HAGAN: Because --

18 MS. CANFIELD: She just said yes.

19 MS. HAGAN: No, she didn't say that  
20 she's seeking monetary damages for that.

21 Did you testify to that, Dr. Kaye?

22 THE WITNESS: I was asked if my  
23 children have been harmed by the -- all the  
24 retaliation that I suffered. The -- the lawsuit, the  
25 stress, the --

Melissa Kaye

Page 340

1 I mean, this is -- I have to turn this  
2 -- now I'm getting calls about them. I'm getting  
3 calls about the children.

4 Now let me just state --

5 MS. HAGAN: I think we've reached seven  
6 hours at this point.

7 THE WITNESS: What I said was that the  
8 stress of -- of the viciousness and targeting of me  
9 because I was unwilling to stand by and allow the  
10 criminal justice system to be corrupted and perverted  
11 by CHS so they could manufacture optics and statistics  
12 that they're reforming in court. You know, justice --  
13 criminal justice reformers.

14 You know, I mean I think that I was  
15 targeted and pushed out of my job. Now I'm unemployed  
16 and I'm having trouble, and I will continue to have  
17 trouble for the rest of my career because of the --  
18 being falsely accused of violating HIPAA in the course  
19 of practicing forensic psychiatry, which makes no  
20 sense.

21 BY MS. CANFIELD:

22 Q But, Dr. Kaye, you're going off the topic.  
23 I'm going to ask you about that. What I want to know  
24 is you said that your children have been affected --  
25 negatively affected by your employment situation at

1 CHS. What I want to know is are you seeking  
2 compensatory damages on behalf of your children  
3 because they suffered?

4 A I -- I mean, I don't know how my  
5 compensatory damages would be calculated and what goes  
6 into it. I know that they've been harmed. I know  
7 that they continue to be harmed. I know that my  
8 career has been ended.

9 Q Okay. Hold on about your career. I just  
10 want to know about your children. If that's what  
11 you're claiming, then I'm going to call for HIPAA  
12 releases so I can get the therapy records of your son  
13 and your daughter --

14 MS. HAGAN: She's not claiming --

15 BY MS. CANFIELD:

16 Q -- because we are -- Magistrate Judge Codd  
17 [ph] said that this is something I could pursue if  
18 that was in fact --

19 MS. HAGAN: She didn't say she was.  
20 She didn't say she was seeking --

21 MS. CANFIELD: She just did say that.  
22 So unless -- so, Ms. Hagan, we can take this off the  
23 record.

24 Unless there's a stipulation that she's  
25 not seeking damages related to their harm, then I'm

1 entitled to those records.

2 MS. HAGAN: Uh-huh. Well, we'll have  
3 --

4 MS. CANFIELD: Maybe this is something  
5 that I can -- we can write to the Court and I can call  
6 the witness back. And I can ask her about her son and  
7 daughter's therapy. I mean, she clearly says that her  
8 daughter's in therapy, and her son, she's trying to  
9 get him into therapy. So why don't we put that --  
10 we'll mark this for --

11 MS. HAGAN: -- medical license --

12 MS. CANFIELD: Excuse me. We'll mark  
13 this --

14 THE REPORTER: I'm sorry, Ms. Hagan.  
15 I'm missing almost everything --

16 MS. CANFIELD: Ms. Hagan, let me make  
17 the record please. You can make it after I've  
18 finished.

19 MS. HAGAN: -- asked her about the harm  
20 to her medical license and her ability to practice --

21 MS. CANFIELD: I haven't gotten there  
22 yet. Please, stop.

23 THE REPORTER: I'm sorry. I'm sorry.  
24 I'm sorry.

25 Ms. Hagan, please, what did you just

1 say?

2 MS. HAGAN: I said Ms. Canfield needs  
3 to ask her about the -- about the harm to Dr. Kaye's  
4 medical license and her ability to pursue a medical  
5 license in New Mexico. Because those are the things  
6 that she has been complaining about, and Ms. Canfield  
7 has known about those things as recently as when we --  
8 the parties met for the settlement conference.

9 So I don't believe that Ms. Canfield's  
10 asking these questions in good faith. In fact, I  
11 believe that she's trying to intimidate and harass Dr.  
12 Kaye because Dr. -- we are at the seven-hour mark.  
13 And Ms. Canfield has not in good faith asked questions  
14 about the damages that Dr. Kaye has sustained.  
15 Instead, she's trying to harass Dr. Kaye instead of  
16 using the time wisely and judiciously.

17 MS. CANFIELD: Are you finished, Ms.  
18 Hagan?

19 MS. HAGAN: Yes, ma'am.

20 MS. CANFIELD: I am not. I am just  
21 trying to clarify because if you are seeking damages  
22 on behalf of the harm that you claim your children  
23 have suffered, then we are entitled to see what that  
24 alleged harm is.

25 MS. HAGAN: And she's never said she

Melissa Kaye

Page 344

1 has.

2 MS. CANFIELD: She --

3 MS. HAGAN: -- had this discussion on  
4 multiple --

5 MS. CANFIELD: Okay. So we're going to  
6 mark this and we're going to write to the Court about  
7 it.

8 MS. HAGAN: Yes.

9 MS. CANFIELD: We will write to the  
10 Court.

11 MS. HAGAN: Yes.

12 BY MS. CANFIELD:

13 Q All right. So you also, Dr. Kaye, in the  
14 second paragraph say that, you know, the City answered  
15 the complaint instead of trying to get it dismissed.  
16 Special says this is a good sign. We are waiting for  
17 an assigned mediator. And then you say here in the  
18 fifth sentence, "Against my lawyer's advice, I am  
19 going to resign soon."

20 A Mm-hmm.

21 Q Okay?

22 A Mm-hmm.

23 Q So had you decided at that point that you  
24 were going to resign from your position at CHS?

25 A Well, I --



Melissa Kaye

Page 345

1 MS. HAGAN: Objection.

2 THE WITNESS: -- I had decided that it  
3 was such a hostile and abusive work environment, and I  
4 was having cardiac palpitations. I was having my IBS  
5 -- my irritable bowel syndrome. All of these stress-  
6 related symptoms were going through the roof. I was  
7 just -- I was -- I was under attack. Every day it was  
8 something. Every day I would -- I would ask the  
9 clerical staff and Ms. Swenson not to -- to run the --  
10 the coffee maker and the microwave at the same time  
11 because it caused the circuits to blow and I'd be --  
12 my -- my lights would go out. My computer would go  
13 out. And I just made that simple request and they  
14 were mocking me and -- and acting like it was just  
15 this most ridiculous thing. And then they would go  
16 deliberately do it to make my -- so I couldn't work.  
17 I mean, it was just sabotage. It was awful.

18 And I loved my job. I was very good at  
19 my job. I had strong relationships with --  
20 professional relationships with all the stakeholders.  
21 The judges, the -- the defense, prosecution. I was --  
22 I was -- I was trusted and I was respected and I took  
23 my work very seriously. And I -- I believed that my  
24 work was important.

25 And I stepped outside of my job because

1 I saw how CHS was intentionally cutting corners and  
2 altering the results of the exams in conjunction with  
3 MOCJ, so -- so they could empty Rikers through the  
4 back door. This was all pre-bail reform.

5 And -- and Ford was abusive and Jain --  
6 Dr. Jain had stopped speaking to me. He would come up  
7 to the Bronx and he wouldn't even knock on my door and  
8 tell me he was there. And he would --

9 BY MS. CANFIELD:

10 Q Okay. Okay. I'm going to stop you right  
11 there. You already testified to that, so I'm going to  
12 move on, okay?

13 I'm going to share the screen again. This  
14 next email to Dr. Alessio, it's Bates stamped D001635.  
15 And you say, "Sorry. Now they're coming up to monitor  
16 me. I may have to take 4:00 p.m. on Thursday if it's  
17 still available."

18 Who is "they" and why did you believe that  
19 they were monitoring you? This is dated September 10,  
20 2019.

21 A September 10th --

22 MS. HAGAN: And objection to form.  
23 It's a compound question.

24 THE WITNESS: 2019. Well, they were  
25 definitely tracking me. They had --

1 BY MS. CANFIELD:

2 Q Who's "they"?

3 A Well, CHS leadership. Yang, Wang, Jain,  
4 Ford. They had this -- this psychologist that they  
5 had hired tracking me. They -- I'd hear them talking  
6 about me. "Is she here? What is she doing?"

7 They -- they -- the office that I had --

8 Q Well, excuse me. Let me stop you. You said  
9 they hired a psychologist to track you?

10 A No, I didn't say that. I said they had a  
11 psychologist up there and I caught her -- she had --  
12 she got off at 5:00.

13 Q What was her name?

14 A Anansa Brayton. And I also had in my office  
15 as I said, the circuits kept blowing and it was dark  
16 and I couldn't use my computer and there was a bad  
17 cell phone reception there to start with. So we had  
18 an -- defendant office down the hall and across the  
19 little -- like, down the hall and around the corner.  
20 And I would go in there to work and Anansa Brayton  
21 would come in and she -- to see if I was there, and  
22 then she would make up this excuse. "Oh. Oh, I'm  
23 here looking for my shredder." Just these completely  
24 implausible excuses.

25 One time when I had taken the shift from

1 9:00 to 6:00 --

2 Q Let me ask you. You said --

3 A But I want to finish --

4 Q But I'm confused. You said that Dr. Brayton  
5 came into your office to see if you were there, to spy  
6 on you? But you're saying -- sorry. Now they are  
7 coming up to monitor me Wasn't Dr. Brayton assigned  
8 to the Bronx Court Clinic?

9 A Right, right. But I'm just saying that --  
10 then I --

11 THE REPORTER: Assigned to the Bronx  
12 what?

13 MS. CANFIELD: Court clinic.

14 THE WITNESS: So I -- I would get --  
15 and this one day I was getting off at 6:00, she got  
16 off at 5:00. And I had been in the out-defendant  
17 office and I -- I was coming back to my other -- my  
18 main office. It was like ten of 6:00 -- quarter of  
19 6:00. And she was there walking around looking for  
20 me. And she got caught red-handed. And I asked her  
21 point blank if she was spying on me and she was -- she  
22 was hemming and hawing and she got very nervous and  
23 started making excuses that didn't make any sense  
24 about why she was there at almost 6:00, an hour after  
25 she was --

1 BY MS. CANFIELD:

2 Q But why would she want to spy on you?

3 A She was being asked to track me.

4 Q By whom?

5 A Jain, Ford.

6 Q Okay. Do you have any evidence of that  
7 other than your own speculations?

8 A I know I was under surveillance on my emails  
9 --

10 THE REPORTER: I'm sorry. Please  
11 repeat the question.

12 MS. CANFIELD: I said do you have any  
13 evidence of that other than your own speculation.

14 MS. HAGAN: Objection. Argumentative.

15 THE WITNESS: I -- I'm a forensic  
16 psychiatrist and I can connect the dots. It was very  
17 obvious that they were doing -- that Anansa was making  
18 notes. And when I would -- she would be in my office  
19 and I would just be talking normal, she'd be writing  
20 everything down. And when she -- when I -- I asked  
21 her if she was spying on me, she couldn't give me a  
22 straight answer. And she didn't say no and she made  
23 excuses about -- brought up Dr. Jain and was kind of  
24 rambling about --

25 //

1 BY MS. CANFIELD:

2 Q Okay. So other than Dr. Brayton, was anyone  
3 else monitoring you?

4 A I think they were all watching me and asking  
5 if I was in my office, and if I wasn't in my office.  
6 I felt like they were -- and I know they were  
7 monitoring my emails. And --

8 Q Okay. Okay. I'm going to move on because I  
9 want to make sure that we get through everything.

10 So --

11 MS. HAGAN: We're actually at the  
12 seven-hour mark. We're over seven hours, so I'm going  
13 to have to -- we're going to have to call this to a  
14 close.

15 MS. CANFIELD: I would like to finish  
16 this document and then I will petition the Court for  
17 an additional hour, hour and a half.

18 MS. HAGAN: Mm-hmm. Okay.

19 BY MS. CANFIELD:

20 Q So, Dr. Kaye, if you take a look at this  
21 document -- it's Bates stamped D001638. And the  
22 subject is "Fwd: case management plan." And it looks  
23 like for some reason, Jeff Bloom sends you the case  
24 management plan.

25 How is it that Mr. Bloom had a copy of the

1 case management plan?

2 A What is a case management plan?

3 Q That's what I want to know. Why would Mr.  
4 Bloom send you a case management plan that you in turn  
5 forwarded to your therapist?

6 MS. HAGAN: Objection. Could you  
7 scroll down further so she can see --

8 MS. CANFIELD: I can. And I can show  
9 you that the attachment is actually the civil case  
10 management plan and scheduling order in this case.

11 MS. HAGAN: Well, that's a public  
12 document. So --

13 MS. CANFIELD: I know. I just have a  
14 question.

15 BY MS. CANFIELD:

16 Q Why you sent it to Jeff Bloom?

17 MS. HAGAN: She didn't send it to Jeff  
18 Bloom. Jeff Bloom sent it to her.

19 MS. CANFIELD: Okay.

20 BY MS. CANFIELD:

21 Q Why did Jeff Bloom send this to you, if you  
22 know?

23 MS. HAGAN: She can't speak for Jeff  
24 Bloom.

25 MS. CANFIELD: But she can answer my

Melissa Kaye

Page 352

1 questions and not you. Thank you.

2 MS. HAGAN: She can't --

3 BY MS. CANFIELD:

4 Q Dr. Kaye, why did Jeff Bloom send you this  
5 case management plan?

6 A I don't know.

7 Q Is it because your attorney didn't send it  
8 to you?

9 A I -- I don't know.

10 MS. HAGAN: I sent her everything.  
11 What are you talking about?

12 THE REPORTER: I'm sorry, Ms. Hagan.  
13 Repeat what you said.

14 MS. HAGAN: First off, I sent Dr. Kaye  
15 everything. So I'm not sure what she's trying to --  
16 record because Dr. Kaye --

17 THE REPORTER: I'm sorry, Ms. Hagan.  
18 You're breaking up. Please start over.

19 MS. HAGAN: First and foremost, I'm not  
20 sure if Ms. Canfield is on some kind of vendetta, but  
21 I talk to Dr. Kaye probably several times a week. And  
22 on top of that, the things that I submitted to the  
23 Court I always give to Dr. Kaye. So I'm not sure what  
24 this exercise is about.

25 I mean, you need to use this time



Melissa Kaye

Page 353

1 better. I mean, are you trying to harass --

2 MS. CANFIELD: Okay. So let's move on  
3 then. Dr. Kaye --

4 I'm going to move to another --

5 THE REPORTER: I'm sorry. You're both  
6 speaking at the same time.

7 MS. HAGAN: No, no. So this isn't  
8 going --

9 Dr. Kaye, do I or do I not share the  
10 documents that I submit to the Court --

11 MS. CANFIELD: Excuse me? You're  
12 burning into my time.

13 MS. HAGAN: No, no, no --

14 MS. CANFIELD: You have your own time,  
15 Ms. Hagan. Ms. Hagan, you have your own time.

16 MS. HAGAN: No, no, no.

17 MS. CANFIELD: This is improper.

18 THE REPORTER: Just a second. Just a  
19 second.

20 MS. HAGAN: Dr. Kaye, I have a  
21 question.

22 THE REPORTER: Just a second.

23 MS. CANFIELD: Please go off the  
24 record. Please go off the record.

25 MS. HAGAN: No, don't go off the

Melissa Kaye

Page 354

1 record.

2 THE REPORTER: Just a second.

3 The time is 6:55 p.m. We're off the  
4 record.

5 (Off the record.)

6 THE REPORTER: The time is 7:06 p.m.  
7 and we're back on the record.

8 MS. HAGAN: And we've used 7 hours and  
9 24 minutes.

10 MS. CANFIELD: The stenographer has  
11 just notified the parties that this deposition of Dr.  
12 Kaye has lasted 7 hours and 24 minutes.

13 Counsel for the defendants does have  
14 some more questioning. I am requesting an additional  
15 hour, an additional hour and a half to get through  
16 some of the damages. There were a lot of allegations  
17 in this complaint. There was also a lot of very  
18 length responses from the witness.

19 It seems based on my conversations with  
20 Ms. Hagan that she will not consent to the additional  
21 time. That's fine. But I do plan on making an  
22 application to the Court requesting the additional  
23 time so that this case is decided on its merits and  
24 not on a technicality.

25 So we're going to close the deposition

Melissa Kaye

Page 355

1 now. Dr. Kaye, I apologize for not completing the  
2 deposition. I appreciate your time. I also  
3 appreciate the efforts that you have had to take for,  
4 you know, childcare. I understand the difficulties.  
5 But I am -- I haven't finished and I am going to write  
6 to the Court to request an additional hour and a half.

7 So thank you very much.

8 THE WITNESS: Thank you.

9 MS. HAGAN: Thank you.

10 MS. CANFIELD: All right. We're  
11 closed.

12 THE REPORTER: The time is 7:08 p.m.  
13 We're off the record.

14 (Signature Reserved.)

15 (Whereupon, at 7:08 p.m., the  
16 proceeding was concluded.)  
17  
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20  
21  
22  
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25

Melissa Kaye

Page 356

## 1 CERTIFICATE OF NOTARY PUBLIC

2 I, EMMANUEL SABATINO, the officer before  
3 whom the foregoing proceedings were taken, do hereby  
4 certify that any witness(es) in the foregoing  
5 proceedings, prior to testifying, were duly sworn;  
6 that the proceedings were recorded by me and  
7 thereafter reduced to typewriting by a qualified  
8 transcriptionist; that said digital audio recording of  
9 said proceedings are a true and accurate record to the  
10 best of my knowledge, skills, and ability; that I am  
11 neither counsel for, related to, nor employed by any  
12 of the parties to the action in which this was taken;  
13 and, further, that I am not a relative or employee of  
14 any counsel or attorney employed by the parties  
15 hereto, nor financially or otherwise interested in the  
16 outcome of this action.

17 

18  
19 EMMANUEL SABATINO

20 Notary Public in and for the  
21 State of New York  
22

23 [X] Review of the transcript was requested.  
24  
25

Melissa Kaye

Page 357

## CERTIFICATE OF TRANSCRIBER

I, JACOBAY RADTKE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JACOBAY RADTKE

Melissa Kaye

Page 358

1 Kaye v. New York City Health And Hospitals Corporation

2 Melissa Kaye (#4897710)

3 E R R A T A S H E E T

4 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

5 \_\_\_\_\_

6 REASON \_\_\_\_\_

7 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

8 \_\_\_\_\_

9 REASON \_\_\_\_\_

10 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

11 \_\_\_\_\_

12 REASON \_\_\_\_\_

13 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

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15 REASON \_\_\_\_\_

16 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

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18 REASON \_\_\_\_\_

19 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

20 \_\_\_\_\_

21 REASON \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 Melissa Kaye

Date

25

Melissa Kaye

Page 359

1 Kaye v. New York City Health And Hospitals Corporation  
2 Melissa Kaye (#4897710)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Melissa Kaye, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10

11

12 \_\_\_\_\_  
Melissa Kaye

\_\_\_\_\_ Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS  
15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16

17

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\_\_\_\_\_  
NOTARY PUBLIC

20

21

22

23

24

25

Melissa Kaye

[&amp; - 2020]

Page 1

<b>&amp;</b>	<b>15</b> 1:18 4:13 59:4	<b>2005</b> 52:10	149:19 150:24,25
<b>&amp;</b> 72:23 73:6,8	59:5 167:13	<b>2008</b> 52:10 83:7	161:24 164:8,10
74:5 75:25 76:23	268:15,19	207:16 212:2	176:21,24 177:23
234:24	<b>150</b> 133:10	<b>2009</b> 53:19,19	278:23
<b>0</b>	<b>156</b> 3:17	<b>2010</b> 124:15,15	<b>2018</b> 24:11 39:23
<b>000053</b> 107:25	<b>15th</b> 326:19	126:10 127:8	40:18 42:3 72:10
<b>1</b>	<b>16</b> 293:23	135:2,5	73:18,19 74:4
<b>1</b> 3:22 90:9 220:14	<b>16th</b> 326:19	<b>2011</b> 83:8	75:25 76:5,24
<b>1/22/2018</b> 3:7	<b>17</b> 147:20 293:23	<b>2012</b> 17:19,22	82:10 85:23 86:11
<b>10</b> 167:13 346:19	<b>18</b> 24:5 108:19	330:16	87:16 88:14 89:21
<b>100</b> 2:15 308:24	283:19,19 296:11	<b>2013</b> 45:23 74:9	90:9 92:16 99:8
<b>10007</b> 2:16	296:24,25 311:7	<b>2014</b> 45:23 46:20	108:19 112:11
<b>108</b> 3:7	<b>19</b> 296:25 321:4	48:8,9 52:6,15	134:13 137:20
<b>1099</b> 136:24 137:5	<b>192</b> 3:8	59:4 74:9 75:16	140:22 147:14
137:11 138:13,24	<b>196-04</b> 2:5	121:11 129:14,19	151:1 207:17,18
141:18	<b>1990s</b> 22:8,10	130:18,24 135:11	207:19 209:24
<b>1099s</b> 137:21	<b>1996</b> 123:21,24	209:23 210:7	210:17 212:5
141:20	125:9	<b>2015</b> 17:17,22 28:4	214:2,13 215:7
<b>10:00</b> 122:18	<b>1999</b> 113:6 139:18	31:21 34:18,23	216:5 220:14
264:3 305:14	201:17,24 202:14	70:12 75:16 85:22	245:6 261:23
<b>10:03</b> 1:19 4:5	<b>19th</b> 51:8 323:11	138:25 139:7	275:1 280:24
<b>10:46</b> 37:9	<b>1:00</b> 212:9	141:3,21 142:13	283:18 287:8
<b>10:52</b> 37:12	<b>1:18</b> 1:7	148:8 149:18	290:1 306:1 308:5
<b>10:57</b> 40:11	<b>1:33</b> 150:13	150:25 173:3	326:19 330:21
<b>10:59</b> 40:14	<b>1:40</b> 150:16	174:24 176:16,25	331:16
<b>10th</b> 346:21	<b>1st</b> 237:8	177:22 178:8	<b>2019</b> 132:19
<b>11</b> 322:21	<b>2</b>	183:12 207:7,18	133:20,21 134:1,6
<b>11412</b> 2:6	<b>2</b> 3:23 138:20,25	207:23 332:19	137:20 138:12
<b>11:42</b> 71:11	197:12	<b>2015-2016</b> 70:13	140:17 147:2,12
<b>11:49</b> 71:14	<b>2,000</b> 64:20 190:12	<b>2015-2021</b> 3:23,24	197:12,16 199:5
<b>12</b> 129:1 138:18	190:24	<b>2016</b> 28:3,4 70:12	201:7 283:18
159:24	<b>20</b> 113:18 120:17	134:23 137:21	321:4 322:8,21
<b>12137</b> 1:7	132:20 137:1	138:13 141:1	323:7 325:9
<b>123</b> 327:19	167:12 185:2	148:2 149:18	326:13 337:12
<b>13</b> 154:6	211:12 297:4	150:24 204:22	339:1 346:20,24
<b>136</b> 3:22	359:15	207:14 210:5,11	<b>2019-032851</b> 2:19
<b>137</b> 3:23	<b>2000</b> 202:15,16	210:11	<b>2020</b> 14:9 22:22
<b>141</b> 3:24	203:8 204:9	<b>2016-2017</b> 70:14	28:9 132:12,22,25
<b>14th</b> 336:17	<b>2000s</b> 17:6 20:1,9	<b>2017</b> 41:6,12 89:21	133:2,17 137:5,6
	<b>2004</b> 124:4,6 125:9	134:18,19 137:20	137:12 140:13
	204:10,13 209:20	140:24 147:16	145:16 146:8,20



Melissa Kaye

[2020 - aapl]

Page 2

146:24 <b>2021</b> 1:18 3:22 4:13 28:20 123:10 129:12 131:9 135:11,19 136:23 138:25 139:23 140:10 141:21 142:13 145:4 146:25 <b>21-2743</b> 2:20 <b>212</b> 2:18 <b>219</b> 3:9 <b>22</b> 197:17 <b>22220</b> 356:17 <b>23</b> 3:18 128:12 <b>24</b> 129:2,3,8 354:9 354:12 <b>25</b> 205:25 <b>25-1</b> 197:19 <b>26323</b> 357:14 <b>28,000</b> 290:21 <b>28th</b> 322:8 <b>29</b> 198:15 199:5 <b>2:30</b> 56:16,22 <b>2:37</b> 161:14 <b>2s</b> 290:18 296:24	<b>325</b> 3:10 <b>336</b> 3:18 <b>337-2439</b> 2:8 <b>34</b> 217:9 <b>35</b> 64:23 <b>35,000</b> 217:11 <b>356-2461</b> 2:18 <b>36</b> 219:12 <b>36,000</b> 64:23 <b>37</b> 84:9,14,20 92:21 219:12 <b>37.5</b> 154:8 <b>38,000</b> 64:21 <b>390</b> 203:11,20 204:5,16 210:15 249:21 251:17 255:24 <b>390s</b> 204:20 210:3 251:19 <b>3:22</b> 198:19 <b>3:29</b> 198:22 <b>3rd</b> 197:22,23 198:3,4,9,11,14	<b>55</b> 237:16 <b>57</b> 272:24 <b>5:00</b> 347:12 348:16 <b>5:29</b> 289:10 <b>5:30</b> 153:13 276:13 289:13 <b>5:44</b> 301:17 <b>5:51</b> 301:20	<b>75</b> 320:14 <b>77th</b> 270:15 <b>7:00</b> 269:16 305:14 <b>7:06</b> 354:6 <b>7:08</b> 355:12,15 <b>7:15</b> 269:16,20 270:1 <b>7:30</b> 269:20 270:1 <b>7th</b> 283:16
		<b>6</b>	<b>8</b>
		<b>6</b> 3:3 <b>6/4/2021</b> 3:10 <b>60</b> 133:11 <b>60,000</b> 47:11 <b>63</b> 320:13 <b>67</b> 319:2 320:9 <b>69</b> 3:16 <b>6:00</b> 121:24 122:1 122:10 161:20 272:10,12 305:13 348:1,15,18,19,24 <b>6:30</b> 56:15,15,21 <b>6:55</b> 354:3 <b>6th</b> 326:13	<b>86th</b> 270:11 <b>8:00</b> 153:19 199:18 225:18 264:2 266:7 267:13,15 268:2 268:11,15 270:3 276:9 <b>8:10</b> 271:11
	<b>4</b>	<b>7</b>	<b>9</b>
<b>3</b>	<b>40</b> 35:12 154:8 161:10 270:19 281:15 283:5 <b>40,000</b> 47:10 <b>42.25.</b> 320:14 <b>45</b> 299:5 <b>4897710</b> 1:23 358:2 359:2 <b>4:00</b> 272:11 346:16 <b>4:25</b> 245:13 <b>4:34</b> 245:16	<b>7</b> 287:8 354:8,12 <b>730</b> 51:19 54:6,21 102:3,4 103:4,24 104:2,4,14 112:6 166:23 173:5,8 191:18 203:10,10 203:19 204:5,16 204:24,25 205:8 205:17,24 210:6 210:15 211:20 214:20 251:1 255:22 257:16 314:18 <b>730s</b> 205:12,22 206:14 210:3	<b>9</b> 3:16,17 296:11 <b>917</b> 2:8 <b>9:00</b> 153:13 266:8 267:12 271:7 272:9 276:11,13 305:13 348:1 <b>9:30</b> 264:3
<b>3</b> 3:24 199:5 201:7 <b>30</b> 121:19 153:20 154:3,4,10 161:9 197:16 262:21,22 263:22 264:1 281:16,21 283:6 284:7 <b>30th</b> 88:13 197:2 197:11,11,13 198:12,15 220:7 237:7 238:6 261:8 325:9 <b>32</b> 198:14	<b>5</b>	<b>a</b>	<b>a.m.</b> 1:19 4:5 37:9 37:12 40:11,14 71:11,14 199:18 267:12,13 268:11 <b>aabr</b> 3:24 139:13 139:15,25 140:11 141:5,10,20 147:8 149:16,25 150:4,5 150:20 151:23 154:20 <b>aapl</b> 306:18

Melissa Kaye

[aback - afford]

Page 3

<b>aback</b> 46:13 47:14 <b>abetted</b> 1:12 4:12 <b>abhishek</b> 1:9 2:12 4:9 9:3 26:23 <b>ability</b> 11:7,21 12:9,14,17 94:9 154:19 169:17 257:17 339:5 342:20 343:4 356:10 357:7 <b>able</b> 11:18 16:21 24:6,12 38:25 92:11 93:15 107:14,15 108:16 108:16 112:13 131:22 171:2 184:4 185:11 257:25 258:5 269:10,19,23 270:2,24 273:17 276:7 301:10 302:21 <b>abruptly</b> 164:3 <b>absent</b> 4:19 <b>absolute</b> 262:7 <b>absolutely</b> 206:22 338:22 <b>absolutes</b> 216:7 <b>absorb</b> 205:19,19 <b>absorbed</b> 216:14 <b>abuse</b> 94:9 334:22 <b>abuses</b> 253:14,16 <b>abusive</b> 318:2,3,3 345:3 346:5 <b>academy</b> 306:19 <b>accept</b> 86:14,15 176:8 <b>accepted</b> 47:24 80:11 184:13,14 184:17	<b>accepting</b> 19:18 <b>access</b> 46:11 192:4 217:2 281:17 282:10 284:9,13 284:15 <b>accommodate</b> 266:12 <b>accommodation</b> 302:16 303:1,18 305:6,11 307:19 <b>accommodations</b> 131:11,14 302:5 302:14 <b>accomplish</b> 235:12 <b>accurate</b> 151:16 195:24 229:7 356:9 357:5 <b>accurately</b> 65:20 <b>accused</b> 340:18 <b>accusing</b> 282:2 <b>acknowledged</b> 330:22 <b>acknowledgement</b> 359:3 <b>acknowledgeme...</b> 4:16 <b>acm</b> 207:9 <b>acronym</b> 35:8 139:14 <b>act</b> 285:4 301:1 <b>acted</b> 236:18 <b>acting</b> 90:9 191:23 345:14 <b>action</b> 68:9 172:19 194:12 356:12,16 357:8,12 <b>actions</b> 94:11 329:8 338:19 339:4 <b>active</b> 164:11	<b>actively</b> 85:23 164:12 213:3 <b>activities</b> 27:3 50:22 174:2 <b>activity</b> 56:19,21 96:8 <b>acts</b> 331:10 <b>actual</b> 244:4,5 <b>acute</b> 51:17 187:20 274:11 <b>acutely</b> 185:14 <b>ada</b> 181:20 182:10 <b>add</b> 10:9 201:9 263:25 <b>added</b> 326:23 <b>addition</b> 205:10 <b>additional</b> 204:12 205:22 207:3,4 322:22 350:17 354:14,15,20,22 355:6 <b>additionally</b> 4:19 54:14 <b>additions</b> 359:6 <b>address</b> 33:3 61:12 62:21 103:12 112:23 124:25 125:20 168:11 234:6 290:2 335:16 <b>addressed</b> 75:22 102:6 286:12,14 <b>addressing</b> 62:6 <b>adjustment</b> 305:10 <b>administer</b> 4:16 <b>administration</b> 54:14 173:1,4 <b>administrative</b> 54:7 74:17 79:18 98:6 136:10	181:25 204:12,22 204:23 223:13 279:9 311:25 312:5 323:16 334:7 <b>administrator</b> 102:18 <b>admissions</b> 127:20 128:12 <b>admitted</b> 51:13 286:19,22 <b>admitting</b> 123:20 125:14 129:20 135:5 <b>adolescent</b> 201:5 293:22 <b>adult</b> 293:24 <b>advance</b> 36:3 <b>advanced</b> 299:5,7 <b>advancement</b> 139:14 <b>advantage</b> 125:22 <b>adverse</b> 265:7 <b>advice</b> 344:18 <b>advisement</b> 137:3 137:14 139:3 141:24 155:20,24 298:8,10 <b>advisors</b> 279:19 <b>advocated</b> 190:24 191:8 <b>affect</b> 154:19 247:2 257:17 263:15 335:11,12 <b>affidavit</b> 70:15 231:4 <b>affiliated</b> 129:25 <b>affiliation</b> 186:10 186:13 <b>afford</b> 7:19 169:21
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Melissa Kaye

[afforded - answer]

Page 4

<b>afforded</b> 211:25 <b>affirm</b> 186:12 <b>afternoon</b> 56:16 56:22 291:1 298:23 <b>agencies</b> 154:6 <b>agency</b> 105:1 132:9 139:13 189:25 335:22 <b>agenda</b> 104:25 173:2 251:12 <b>ages</b> 159:21 <b>aggressive</b> 281:23 <b>ago</b> 15:14 35:17 66:8,10,10,12 108:11 142:20 <b>agree</b> 4:17,21 7:15 7:15 234:25 239:15 269:24 312:7 313:1 314:4 <b>agreed</b> 45:1 92:2,7 117:24,25 213:13 260:8 266:23 312:16 <b>agreement</b> 47:20 73:2,6 79:11 93:3 117:10 165:25 240:7,7 266:14 332:13,14,14,15 332:15 333:10 <b>agreements</b> 93:4 246:25 <b>ahead</b> 19:13 71:2 103:20 119:11 127:17 250:12 295:14 325:20 <b>aid</b> 144:4,13 175:14 181:25 212:11 336:4 <b>aided</b> 1:12 4:11	<b>al</b> 9:5 13:23 14:2,4 14:5,10 28:8 33:10 <b>albans</b> 2:6 <b>albany</b> 204:23,23 <b>albuquerque</b> 1:21 6:15 161:3 <b>alessio</b> 23:4,4 24:3 24:15,17,19 25:9 25:17 33:18 318:21,23 319:7 319:24 320:10,17 320:20 321:3,5,23 322:10,14,21 324:5 336:19 346:14 <b>algorithms</b> 54:8 <b>aligned</b> 173:6 <b>allegations</b> 192:12 194:6 195:23 196:9,12 199:11 199:13 200:15 217:10 354:16 <b>allege</b> 194:4 233:6 238:24 247:13 <b>alleged</b> 109:20 343:24 <b>alleges</b> 201:23 <b>allergic</b> 273:18 274:22,23 <b>allergies</b> 274:11 274:12,21 <b>allergist</b> 274:17 <b>allopathic</b> 274:16 <b>allow</b> 81:4 257:21 304:21 330:8 336:6 340:9 <b>allowed</b> 87:1 129:4 154:12 231:24 269:19 276:11 284:8	<b>allowing</b> 269:8 <b>allows</b> 330:8 <b>alter</b> 255:22 283:8 <b>alterations</b> 286:11 <b>altering</b> 346:2 <b>alternative</b> 275:9 <b>ambush</b> 166:18 <b>ambushed</b> 163:11 164:14 <b>amended</b> 3:8 108:3 194:11,12 195:15 199:2 320:5,6 <b>amendment</b> 204:24 205:5,23 210:6,10,13 313:17 315:7,14 <b>american</b> 201:2,3 201:4 306:19 <b>amount</b> 113:7 210:2 245:23 246:3 297:4 <b>amounted</b> 64:19 <b>anansa</b> 323:21 347:14,20 349:17 <b>anaphylactic</b> 274:8 <b>anaphylaxis</b> 274:8 <b>ancestry.com</b> 327:19 <b>andrea</b> 26:22 240:25 241:16 242:10 283:21 323:16 <b>anesthesiologist</b> 28:21 <b>angry</b> 215:1 317:25 <b>animus</b> 281:10 <b>anne</b> 48:16 60:20 164:14 172:11	182:7 184:19 <b>announce</b> 176:22 176:22 <b>announced</b> 92:15 171:10 <b>annual</b> 285:11,24 286:1,3,7 291:7 296:9,9 299:5,7,10 300:7 <b>answer</b> 3:14 6:10 8:1 9:8 10:1,4,8 11:10 12:9,19,25 13:8 16:9,18,21 17:13 18:13,18,24 18:25 19:1 20:15 22:4,15 27:9 31:17 34:11 37:23 39:3 41:3,19,21,22 44:16 58:9,15 65:18,20 67:12 68:12,18 69:11 71:25 73:23 74:21 74:24,25 75:19 76:2 80:23 83:1 85:5 86:7 88:4 89:5,6 93:22 95:4 96:22 97:3 98:12 99:1 101:11,14,16 105:4 135:15 139:9 141:14 144:24 151:7,15 156:9,20 157:3 162:14 168:21 169:3,16,20,24 170:12 171:2,14 171:16 172:7 173:16,16 175:23 178:5 179:5,6,25 180:10,23 188:8 193:7 207:25 212:24 224:5
---	--	--	--

Melissa Kaye

[answer - asthma]

Page 5

227:2 229:22,23 235:15 238:11 239:13 243:3 245:19 250:18 252:12 253:5 264:18 287:19 292:17,20 296:5 309:18 325:16 336:24 349:22 351:25 <b>answered</b> 18:11 18:14 171:13,17 344:14 <b>answering</b> 7:24 10:5,17 169:11,18 178:25 179:10 180:15,17,24 193:12,13 <b>answers</b> 81:4,8 168:25 169:22 293:1 <b>anybody</b> 117:22 172:9 303:8 312:4 334:2 <b>anymore</b> 26:14 121:7 267:4 <b>anyway</b> 90:7 226:2 <b>apartment</b> 160:14 161:2,2 268:7 <b>apologies</b> 152:11 198:25 <b>apologize</b> 81:9 116:17 183:14,14 355:1 <b>apparently</b> 327:16 <b>appear</b> 109:13,25 <b>appeared</b> 219:13 <b>appears</b> 199:1 321:3 327:8	<b>appended</b> 359:7 <b>apples</b> 232:12,15 <b>applicable</b> 4:25 <b>application</b> 354:22 <b>applied</b> 76:12 193:18 202:2,6 <b>applies</b> 11:3 <b>apply</b> 80:12 275:3 276:15 <b>applying</b> 202:3,7 <b>appointment</b> 24:13 321:24 336:19 <b>appreciate</b> 331:18 331:19,20 355:2,3 <b>appreciated</b> 187:17 <b>approach</b> 108:18 274:16 <b>approached</b> 237:19 <b>appropriate</b> 213:14 334:3 <b>approximately</b> 128:16 131:8,25 134:5 140:6,11 206:5 <b>april</b> 14:9,9 28:9 82:10 85:20 86:2 86:11 87:16 153:3 168:16,23 197:2 197:11,13,16 198:12,15 207:17 207:18 212:2 214:1,2,2 216:14 220:6 237:3,15,16 238:2,6 239:20 248:7 325:9 <b>argument</b> 111:2 228:14 335:4,13	<b>argumentative</b> 223:19 224:1,12 224:12 235:14 236:16 349:14 <b>arm</b> 131:18 <b>arm's</b> 88:6,10 <b>arms</b> 279:8 336:4 <b>arraignment</b> 99:17 250:7 <b>arrange</b> 122:2,8 <b>arrested</b> 177:14 <b>arrests</b> 209:16 <b>article</b> 329:18 <b>articulate</b> 258:5 <b>artificially</b> 251:25 <b>aside</b> 7:3 <b>asked</b> 18:10,14 47:14 48:10 68:3 77:2,3 86:18 87:7 87:10 103:2 105:3 111:22,24 112:21 112:23 142:4,8,21 142:24 143:17,21 144:6,7 148:11 156:22 170:11 171:12,17,21 185:20 187:3,5 192:1 193:17 230:17 252:22 261:17 298:25 301:7,9,25 308:15 315:15 317:20 325:23,25 331:1 334:2 339:22 342:19 343:13 348:20 349:3,20 <b>asking</b> 16:16 18:25 28:2 55:7 101:15 108:14 142:9 145:9,10 169:10 170:24	174:20 187:6 213:2 218:17 233:16,17 234:21 237:13 245:10 254:13 262:13 288:24 322:22 330:24 338:13,17 339:13 343:10 350:4 <b>asks</b> 9:15 <b>aspects</b> 184:8 <b>assault</b> 291:8 <b>assert</b> 156:12 <b>asserting</b> 156:14 158:13 <b>assess</b> 142:21 <b>assessed</b> 113:3 <b>assessments</b> 45:10 51:13 <b>assigned</b> 4:3 290:5 344:17 348:7,11 <b>assist</b> 216:4 237:14 <b>assistant</b> 8:25 136:10 207:10,10 <b>associated</b> 15:22 203:24 204:4 229:9 <b>association</b> 139:14 <b>assuage</b> 228:4 <b>assumes</b> 103:15 127:13 143:11 178:2,2 213:6 239:11 282:22 332:25 <b>assuming</b> 129:12 160:8 200:14 <b>assured</b> 153:11 240:4 <b>asthma</b> 274:21
--	---	---	---

Melissa Kaye

[astounding - based]

Page 6

<b>astounding</b> 246:1 <b>attached</b> 3:12 <b>attachment</b> 351:9 <b>attack</b> 345:7 <b>attacking</b> 282:1 <b>attacks</b> 187:23 <b>attempt</b> 94:25 232:7 267:6 <b>attempted</b> 62:15 <b>attend</b> 323:2 <b>attendance</b> 5:7 67:17 <b>attended</b> 103:18 104:10 <b>attending</b> 16:2 47:4 48:11 63:14 63:16,22 64:13 76:15 78:19,20 79:2,2,16 80:1 124:1,2,9,18,21,22 124:23 125:11,12 126:12 127:10 128:20 129:17,20 129:22 130:7,16 130:16,25 131:4 136:7 187:11 190:13 201:17,24 202:4 208:6 219:7 290:20 <b>attending's</b> 126:14 <b>attendings</b> 126:1 126:21 130:1,8,12 130:21,22 136:14 143:15 <b>attention</b> 6:22 153:5 219:3 220:21 221:21 254:18 296:15 <b>attorney</b> 37:19 38:14 65:15 67:3 67:13,18,20 95:11	156:7 157:4 297:11 352:7 356:14 357:10 <b>attorney's</b> 176:7 181:13 182:11 245:4 <b>attorneys</b> 72:17 74:11 76:23 143:22 156:3 173:8 177:20 234:23 235:1 253:18 256:16 310:21 <b>audio</b> 356:8 357:3 <b>august</b> 123:17 129:11 160:15,18 202:14 210:21 211:2 282:11 283:7 290:1 308:4 323:7 336:17 337:12,24 <b>auspice</b> 311:11 <b>authored</b> 192:15 192:17 248:1 <b>authority</b> 189:23 209:14 <b>authorizations</b> 320:11 <b>authorized</b> 4:15 <b>autonomy</b> 190:2 <b>available</b> 43:20 175:13 185:5 346:17 <b>avenue</b> 2:5 <b>averaged</b> 140:19 <b>avoid</b> 306:2 <b>avoided</b> 303:25 <b>awake</b> 152:15 <b>aware</b> 76:10 189:4 245:2 265:7,17,24 265:25	<b>awful</b> 271:24 274:5 275:25 345:17 <b>axial</b> 262:23 287:9  <b>b</b>  <b>b</b> 3:5,8 73:8 108:4 159:22 192:18,20 192:25 194:10 <b>babysitters</b> 68:6 <b>bachelor's</b> 200:17 <b>back</b> 29:3 37:13 40:15 48:18 51:12 65:1,9 66:2,2 71:15 77:14,21 85:22 87:17 96:20 97:1,7,10 103:6 105:5 116:18 118:21,22 121:25 124:15,16 126:10 127:8 131:13 135:4 138:12 139:7 150:17 161:15,17 170:7 170:10 176:25 179:8 180:5 189:17 193:22 198:23 221:4 245:17 252:15,22 279:22 283:9 289:14 292:16 300:11 301:21 304:24 305:17,20 309:12 317:14 330:17 331:9,10 336:15 337:24 342:6 346:4 348:17 354:7 <b>background</b> 26:14 200:14 265:12 <b>backlog</b> 206:2,7 206:13,25 209:22	210:14 <b>backpay</b> 119:9 297:3 <b>bad</b> 94:11 178:7 285:8 331:4 347:16 <b>badaracco</b> 48:16 60:21,24 61:18 62:7,13,18 63:9 64:3,25 164:14 172:11 175:3 182:7,7 184:20 187:7,16 188:2,11 189:4,10,21,22,24 190:3,4,14,20,22 191:5,6 246:20 <b>badaracco's</b> 234:5 <b>bail</b> 346:4 <b>bait</b> 266:24 <b>balances</b> 94:9 <b>bantle</b> 73:8 74:5 75:25 76:23 234:24 <b>bargaining</b> 47:17 47:20 79:11 83:18 84:1,6,8,13,23 90:21 91:1,6,10 92:3 93:11,13,16 93:19 117:10 <b>barry</b> 59:12 81:24 100:5 163:12 182:8 207:11 312:3 <b>base</b> 113:8,10,12 113:16,23 115:10 233:25 333:23 <b>based</b> 44:21 45:13 120:23 121:8,8,9 126:16 150:21 178:8,10 240:6 354:19
--	--	---	---



Melissa Kaye

[basically - bill]

Page 7

<b>basically</b> 48:5,24 63:8,10 88:18 92:19 99:7 100:3 115:18 164:13 186:21 249:8,13 250:14 251:16 323:16 324:6 <b>basing</b> 334:4 <b>basis</b> 51:10 150:2 205:23 234:16 <b>bates</b> 107:24 196:23,24 219:12 319:5 320:24 322:19 324:25 325:8 326:2,13 329:17 336:18 346:14 350:21 <b>bath</b> 276:22 277:4 277:5 <b>bathroom</b> 150:7 150:11 <b>baths</b> 276:21 <b>bear</b> 282:23 <b>bearing</b> 233:15 319:5 334:21 <b>bears</b> 324:25 <b>beautiful</b> 6:17 <b>becoming</b> 82:13 116:12 117:5 118:9 193:19 <b>bed</b> 266:11 <b>bee</b> 32:6 49:1 105:11 <b>began</b> 219:1 <b>beginning</b> 87:15 87:16 89:21 108:12,13 130:18 133:18 217:9 220:3 228:8 245:6 247:18 248:2 256:12 262:6	281:20 286:17 321:14,15 <b>behalf</b> 2:2,10 68:24 288:3 289:19 341:2 343:22 <b>behaves</b> 330:6 <b>behavior</b> 94:11 143:2 274:5 311:21 <b>belief</b> 83:16 112:15 262:8,15 <b>believe</b> 14:1 20:1 22:22 23:13 24:6 30:5 34:5,12 40:18 42:10 44:10 44:17,20 45:12,15 46:16 52:24 59:21 59:25 61:18 78:2 82:15 84:20 89:15 90:16 92:20 98:20 101:23 110:7,8,14 111:8 115:2,5,8,8 143:7 161:22 186:5 188:23 189:3,20 190:4,7,8 190:11,14,16,22 197:7 208:4 217:10,16 235:3 238:25 239:6 243:23,23 247:15 247:16 248:13,17 254:8 261:17,20 261:22 262:3,17 277:15,16 278:5,9 278:11 279:16,17 281:9,13 282:16 283:4 284:17,17 285:2,5 295:19 307:11,18,22 309:1 318:5 330:9	337:2 343:9,11 346:18 <b>believed</b> 55:13,19 80:10 171:20 345:23 <b>believes</b> 169:22 278:3 <b>bellevue</b> 30:18 41:1,5,5,11,11,17 45:19 46:6 48:18 49:23 50:4,8 51:6 51:11,12,18,25 52:4,13 53:18 54:3 59:7 60:22 73:21 75:4,10,13 77:13 84:22 86:20 87:17,18 88:7 90:12,24 92:19 105:10 112:22 118:20 139:7 143:23 144:2 154:5 161:22 162:24 163:2,20 163:22 164:2,6,18 164:22 165:7,12 165:20 166:1,10 175:4 182:4 184:21,23 185:3,8 185:13 187:24 190:18 191:15 192:8,9 193:18,22 208:6 218:4,20 219:2,9 220:17 230:16 237:6 246:21 266:21 281:15 282:5,7 287:4 293:18 298:19 300:9 302:20 <b>bellevue's</b> 219:2	<b>belt</b> 47:6 <b>benefit</b> 34:6 94:4 186:19 <b>benefits</b> 87:8 88:21 91:23 92:12 93:18 94:2,3 115:21 153:7 186:15,17,25 218:2,12 220:17 221:16 229:9 230:2 240:9 296:19 <b>bentley</b> 72:23 73:6 <b>bereavement</b> 300:14,15,24 <b>berger</b> 202:23,25 203:1,1,2 <b>best</b> 74:3 81:6 121:22 161:20 169:17 190:11 333:4 356:10 357:6 <b>beth</b> 102:16 <b>better</b> 94:13 102:8 122:12 194:19 323:8 353:1 <b>beyond</b> 121:24 122:1,10 277:12 286:25 <b>bhc</b> 220:8 <b>bhs</b> 3:9 <b>bias</b> 255:22 <b>biased</b> 260:10 <b>big</b> 164:12,15 246:2 272:14 300:11 337:19 <b>bigger</b> 196:11 <b>bill</b> 77:13,17 87:17 102:16,19 118:17 118:20 141:8
--	---	--	---

<b>billed</b> 141:6	<b>boggling</b> 246:4	300:17 301:15	328:6,7,10,12,15
<b>billing</b> 126:13,14	<b>boilerplate</b> 200:3	<b>breaking</b> 352:18	328:21 330:20
126:17,18 135:12	<b>bold</b> 172:19,21	<b>breaks</b> 122:19	331:5
138:14 146:17	<b>bonkers</b> 253:5	<b>bridge</b> 205:13	<b>brother's</b> 39:10
154:22	<b>bonus</b> 93:4 115:9	<b>briefly</b> 121:14	328:7
<b>bio</b> 321:25	233:25 297:23	<b>bring</b> 76:18	<b>brought</b> 64:22,22
<b>birth</b> 158:24	<b>book</b> 329:19	121:25 239:24	78:7 113:25 153:4
<b>bit</b> 26:11 77:21	<b>booked</b> 283:19,20	268:8 269:14	153:10 219:2
129:16 132:25	<b>books</b> 331:24	291:17 318:1	238:1 254:18
161:21 196:11	<b>born</b> 328:1	<b>bronx</b> 50:4,5,7,9	281:8 286:23
215:11 267:10	<b>borough</b> 133:6	51:3 52:1,6 59:10	296:15 349:23
269:7 271:3	214:19 252:1	59:11 82:10,18	<b>brow</b> 317:12
279:25	<b>boroughs</b> 214:18	83:4,10,19 90:8	<b>bruhaha</b> 300:11
<b>bizarre</b> 245:9	252:2	92:10 95:22,24	<b>brutal</b> 153:18,18
<b>black</b> 272:11	<b>bother</b> 284:16	96:2 101:18	<b>buffalo</b> 90:1
274:4	<b>boulder</b> 158:10	108:15 111:23	<b>buffer</b> 94:8
<b>blanche</b> 235:4	<b>boundary</b> 253:21	114:12 115:7	<b>building</b> 203:4
<b>blank</b> 156:24	331:19	176:7 181:12	271:5
171:1 348:21	<b>bowel</b> 20:17,21	182:10 203:3,7	<b>bullied</b> 327:4
<b>blind</b> 139:15	21:5 345:5	204:15 205:15,16	<b>bullpen</b> 102:24
<b>blindsided</b> 235:19	<b>box</b> 242:25 243:5	205:18 206:20	<b>bullying</b> 193:21
<b>blistering</b> 273:20	244:2,3,15,20	207:8,20 209:10	293:10
<b>block</b> 110:9	<b>boxes</b> 244:14	209:19,23 213:9	<b>bump</b> 78:14 79:9
<b>blocks</b> 268:9	<b>boy</b> 160:3 322:12	214:15,20 216:4	81:20
<b>bloom</b> 103:11,18	<b>bragging</b> 317:18	253:4 270:7,24,25	<b>bumped</b> 87:17
103:24 182:2	<b>brain</b> 155:22	276:4 279:3,4	<b>bumping</b> 79:21
316:25 350:23,25	<b>braindead</b> 330:10	280:15 281:18	<b>bunch</b> 99:6 133:3
351:4,16,18,18,21	<b>brainstorming</b>	283:20 285:6	249:2
351:24 352:4	104:2	323:20 334:7	<b>bureau</b> 95:23
<b>bloom's</b> 103:18	<b>brayton</b> 212:20	346:7 348:8,11	334:11
<b>blow</b> 345:11	347:14,20 348:4,7	<b>brookdale</b> 133:4	<b>bureaucratic</b>
<b>blowing</b> 347:15	350:2	<b>brooklyn</b> 77:8	189:24
<b>board</b> 78:7 201:2	<b>breach</b> 291:12	81:20 82:11,14	<b>burning</b> 353:12
201:3,4,10 248:8	<b>break</b> 9:19 10:13	83:17 101:6,6,19	<b>bush</b> 332:6
254:16 292:4,6	10:16,17 40:6	114:10 163:6	<b>busier</b> 210:23
293:15,20,21	43:19 71:5,6,8	166:7 243:11	<b>business</b> 53:25
294:3,5	106:9,12,16	251:7 306:5	56:20 177:17
<b>bodies</b> 96:8	121:15 122:2,10	327:24	241:5,17,22
<b>body</b> 25:18 273:10	122:17 150:7,7	<b>brother</b> 322:11,16	242:11,16,20,23
274:4 281:24	157:11 161:5	326:16,18,22,24	243:5,8,11,17,19
	175:10 266:3	327:1,2,5,10,17,17	243:22 244:3,4,5

Melissa Kaye

[business - canfield]

Page 9

244:13,15,17,19 244:20 251:1 253:22,23 275:5,6 298:15 <b>busy</b> 206:21 210:23,23 211:3 <b>buttresses</b> 228:13 <b>buy</b> 275:4 <b>byway</b> 309:23	190:6 216:23 236:7 273:21 297:24 299:2 303:8 304:2 308:8 308:9,18,21 <b>calling</b> 136:7 138:22 146:9 173:7 <b>callous</b> 317:17 <b>calls</b> 44:15 100:13 215:2 303:15 340:2,3 <b>calterjeroni</b> 336:1 <b>campaign</b> 262:7 <b>camponese's</b> 297:25 <b>cancel</b> 336:19 <b>candidates</b> 213:4 213:5,10 <b>canfield</b> 2:13 3:3 5:8,8 6:2,9 7:10 7:14,20 8:5,6,12 8:13,16,24 11:9,16 11:18,25 12:3,7,12 12:24 13:4,12,13 13:16,17,20 14:16 15:4,8,13,18 16:1 16:8,15,19,23 17:3 17:16 18:13,20 19:2,4 20:10,19 21:17 22:3,18 23:23,24 24:1,14 26:7,12,16 27:19 29:10,15 30:3 31:1,19,20 32:17 33:23 34:4,9,10 35:23,25 36:8,12 36:13,18,22,23 37:2,6,14,15,20 38:1,12,23 39:2,25 40:5,8,10,16,17	41:14,19 42:1,9,11 42:14,19,25 43:5 43:10,15,25 44:6,7 44:19 49:6 50:12 50:23 52:19 54:23 55:17 56:1 58:3 58:12,19 62:9 63:20 65:8 66:5 66:17,23 67:7,14 67:16 68:1,21 69:12,14,22 70:9 71:1,7,17,18 72:1 72:7,16 73:1,9,14 73:25 74:2,8,14,23 75:1,8,23 76:21 77:20 79:6 81:3,6 81:13,14 82:5 83:5,15,22 84:16 85:8,17 86:8 87:22 89:2,11,23 90:3 92:1,9 93:14 93:24 95:18 96:19 96:25 97:5,8 98:13,16,17,24 100:7 101:12,21 103:9,17 104:11 105:16,18 106:3,8 106:11,15,18,23 107:4,10,13,18,21 107:22 108:2,5,10 108:20 109:23 110:4,5,13,17,22 111:1,5,15 116:10 116:18,24 117:4 117:19 118:6,25 119:6,15,18 120:1 121:12,21 122:3 122:13,16,22,25 123:6 125:8 126:3 127:5,17 128:15 133:24 134:4,10	134:17,22 135:7 135:18 136:4 137:4,10,15,19 138:3,7,11 139:4 139:11 140:16,21 141:16 142:1,16 143:6,20 144:1,8 144:18 145:3,22 147:1 148:7,21 149:15 150:3,8,18 151:3,17 152:3 154:16 155:1,7,8 155:21 156:1,8,11 156:17,18,22 157:6,10,12,18 159:16 161:4,7,10 161:16 162:17 165:17,24 166:9 168:17,22 169:1,6 170:1,9,14,21 171:3,7,15,19 172:6 173:20 174:4 176:15 177:21 178:4,6,12 178:19,25 179:2,7 179:10,18 180:2,4 180:7,16,20,22 181:6,7 182:3 183:2,5,7 184:2 185:21 186:4 188:21 189:12,16 191:3,11,13 192:14,18,24 193:4,9,15 194:1 194:16 195:5,12 195:13 196:18,22 197:8,18,25 198:2 198:6,7,12,13,16 198:24 199:6 200:1 201:21,22 204:6 206:10,12
<b>c</b>			
<b>c</b> 2:1 3:9,20 4:1 14:24 219:14,21 219:21 224:9 <b>cahoots</b> 310:20 <b>calcified</b> 15:11 35:6,7 <b>calcium</b> 35:9 <b>calculate</b> 123:1 270:20 <b>calculated</b> 149:3 341:5 <b>call</b> 36:25 37:4,7 43:19,19,22,23 44:3 61:4 88:14 129:5 136:10,21 136:25 138:16 140:4 141:19 179:8 180:5 245:9 245:11 247:1 276:16 292:16 298:5 301:15 309:12 317:10 341:11 342:5 350:13 <b>called</b> 5:21 9:4 25:18 32:1,3 35:7 35:7 61:2 70:24 78:2 82:16 84:14 92:3,7 102:3 127:2,7 139:13 169:23 176:7			



Melissa Kaye

[canfield - central]

Page 10

208:1 210:1,8,12 213:1 214:12 215:18,25 216:2 218:18 219:21,22 219:25 220:5,11 220:20 221:1,3,7,9 221:12 222:4,9 223:4 224:4,6,8,10 224:15,17 225:7 225:11,17,21 226:13,24 227:12 227:14,17,23 228:3,7,9,13,17,20 228:23 229:1 230:21 231:8,10 232:1,19 233:3,5 236:10,23 238:13 238:18 239:13,16 240:20 241:14 242:7,21 243:1,6 245:12,18,22 246:7 247:11 250:9,19 251:3 254:6,21 255:8,18 256:17 257:7,23 258:3,7,16,21 259:1,4,8,10,13,18 259:20 260:1,13 262:12,14 264:24 265:2,13 266:4 276:14 277:24 278:2,4 280:10 282:23 283:1 285:1,19,22 287:21 288:8,12 288:14,18,22 289:1,4,8,17 290:17 291:9,16 291:23 292:3,10 292:22,24 293:3,4 293:9,11,13	295:13 296:2,12 297:16 298:3,9,11 299:18,24 301:14 301:22,23 303:16 308:15,17 309:20 313:9,19,21 315:4 315:9,19 316:7,16 316:19 318:10,18 318:23 319:2,5,12 319:16,18,22 320:8,23 321:1 322:4,6 323:5 324:23 325:4,6,18 325:24,25 326:1 328:16 332:1 333:2,6 337:1,19 338:6,16 339:16 339:18 340:21 341:15,21 342:4 342:12,16,21 343:2,6,13,17,20 344:2,5,9,12 346:9 347:1 348:13 349:1,12 350:1,15 350:19 351:8,13 351:15,19,20,25 352:3,20 353:2,11 353:14,17,23 354:10 355:10 <b>canfield's</b> 169:16 343:9 <b>capacities</b> 123:22 123:23 <b>capacity</b> 50:2 90:11 123:25 129:17 133:25 142:5,7,22 143:5 147:19,23 148:11 152:10 257:18 333:15 334:21	<b>capsules</b> 276:19 277:6 <b>card</b> 242:20 243:8 243:11,17,22 244:3,4,5,13,20 <b>cardiac</b> 33:16 345:4 <b>cardiologist</b> 21:16 21:18 22:1 33:1 <b>cards</b> 241:5,17,22 242:11,16,23 243:5,19 244:2,3 244:15,18,20 <b>care</b> 12:22 13:14 14:13 16:20 17:6 17:23 19:8,15,16 19:19 27:24 59:19 127:20 129:19 131:5 148:5 187:20,21 260:16 273:2,6 300:13 301:6 332:8 <b>career</b> 191:19 234:13 330:11 339:5 340:17 341:8,9 <b>careful</b> 295:3 <b>cares</b> 188:18 <b>caretaker</b> 268:11 <b>caring</b> 131:7 <b>carry</b> 131:16 274:9 <b>carrying</b> 131:16 132:11 <b>case</b> 1:6 9:4 51:21 70:21,21 146:22 146:25 174:15,25 175:14 205:16 251:11 312:13 313:5 314:21 334:15 350:22,23	351:1,2,4,9,10 352:5 354:23 <b>caseload</b> 131:5,5 131:17 <b>cases</b> 52:12 144:5 206:1,3,6,21 207:6 209:17,22 211:18 214:3,17,19 252:2 252:8 336:5 <b>cash</b> 286:3 <b>cashews</b> 274:8 <b>cat</b> 114:18 116:15 219:21 <b>categorize</b> 330:2 <b>categorized</b> 39:13 <b>caught</b> 235:22 279:25 347:11 348:20 <b>cause</b> 94:14 273:19 <b>caused</b> 110:8 151:10 262:5 263:20 271:21 278:9 307:18,22 345:11 <b>causing</b> 25:13,15 214:7 306:8 <b>cell</b> 6:19 7:5,7,13 8:8,21 347:17 <b>census</b> 133:10 151:10 <b>center</b> 263:12,12 263:13 274:24 <b>centers</b> 50:10 163:7 <b>central</b> 62:7,8,11 62:13,17,19 64:12 190:9 262:24 287:11,12 293:18 297:24
--	--	---	---

Melissa Kaye

[cents - chs]

Page 11

<b>cents</b> 320:14	241:6,7,16 244:22	<b>characterizes</b>	337:5 338:7,19,21
<b>certain</b> 32:14	261:18 262:6	241:12	338:22 339:6,15
40:20 93:3 168:5	263:25 266:13,15	<b>charge</b> 56:11,23	339:23 340:3,24
251:11 334:14	267:10,11,13	90:8 163:6 177:15	341:2,10 343:22
<b>certainly</b> 97:24	272:2,13,22 273:1	237:12 239:2,9	<b>children's</b> 263:16
109:5,19 248:11	275:13,24 277:13	312:9	<b>china</b> 274:19
<b>certainty</b> 333:16	277:22 278:3,10	<b>charged</b> 205:10,11	<b>chinatown</b> 263:12
335:2	286:21,22 305:2,9	298:14 320:21	<b>chinese</b> 274:20,23
<b>certificate</b> 356:1	305:23 306:7	<b>charges</b> 314:21	275:15,16 276:3
357:1	323:12 358:4,7,10	<b>charging</b> 296:6,11	276:16
<b>certifications</b>	358:13,16,19	<b>chart</b> 124:25	<b>choice</b> 191:19
201:1,10	<b>changed</b> 18:1 19:8	125:7 128:2	222:21
<b>certified</b> 4:22	48:10 63:12,13,15	<b>charting</b> 131:23	<b>cholesterol</b> 14:6
<b>certify</b> 356:4	63:22,25 64:9	<b>charts</b> 127:22	29:12 33:16
357:2	76:7 77:2,9 78:11	<b>chattering</b> 57:8	<b>chopping</b> 110:8
<b>chain</b> 41:11 261:2	78:16 79:4 80:17	<b>check</b> 59:13	<b>chose</b> 119:2
277:3,10,10	85:10 127:24	285:13 288:7	335:16
<b>chair</b> 281:23	153:17 158:8,11	<b>checks</b> 94:9	<b>chosen</b> 290:4
<b>challenge</b> 98:19	159:1,5 164:3	<b>chemicals</b> 273:19	<b>christmas</b> 175:10
335:19	187:4,14 219:5,6	<b>chewing</b> 116:15	<b>chronic</b> 21:2
<b>challenging</b> 149:4	234:6,8,10 239:1	<b>chief</b> 48:17 60:21	266:10 275:22
<b>chance</b> 227:25	239:15 241:1,3	95:23 98:6 136:8	<b>chronos</b> 217:2
326:4	247:14 261:21	136:9 181:25	281:17 282:10
<b>change</b> 3:9 10:9	262:9,16 263:4	219:8 279:9 334:6	299:1 307:21
39:8 63:24 76:14	266:6 271:17	334:11	324:1
76:18 77:3 80:2,4	290:20 291:6	<b>child</b> 68:24 201:4	<b>chs</b> 3:9 27:12
80:4 83:24 93:1	294:4 307:12	253:4 293:21	30:15,17 39:14
124:5,7 135:10	317:24	317:19	40:25 41:4,6,12,16
153:2,12 154:18	<b>changes</b> 79:25	<b>childcare</b> 122:2,9	59:3 76:3,10,12,16
157:25 158:5	94:10 99:9 192:3	128:25 149:1,4,6	78:9 80:12 84:22
163:10,21,23	307:14 359:6	306:11 317:18	85:9,20,25 86:10
164:25 165:3,5	<b>changing</b> 79:23	355:4	89:12 90:15 92:15
167:25 168:3,3	234:2 239:25	<b>childish</b> 228:3	92:17 94:18 98:7
187:13 191:21	240:22 241:12	<b>children</b> 6:25 7:13	100:10,11 102:2
199:15,16 204:7	318:2	68:8 159:17 160:8	104:2,7,8,9,21
204:15,24 205:20	<b>chaos</b> 153:25	160:22 245:10	112:16 119:10,20
205:20 214:6	<b>characterize</b> 189:5	263:24 268:8,12	139:7 143:23
219:3 220:9,14,16	215:19	269:19 270:2	144:2 151:9
221:18 230:11,18	<b>characterized</b>	271:7,21,25 272:1	152:18,24 154:6
232:25 233:1,22	184:6 307:6	274:21 300:13	161:22 163:4,23
239:7,23 240:4,14		322:11 331:7	164:13 166:12,22

Melissa Kaye

[chs - close]

Page 12

167:16 168:5 171:10,22,23 172:17,23,25 173:3,3,6,25 176:21 177:2,4,23 177:25 178:8 179:4 182:20 183:9 184:7,14 187:18 191:17 193:21 206:16 211:25 212:2 216:13 218:20 219:5 220:8,17 230:15 231:17,18 232:21,24 233:7 234:8 237:7 245:5 245:25 246:10,23 247:25 248:7 255:1 265:6 266:14 278:14,23 279:18,23 280:13 282:20 290:4,21 294:3,9 297:6,12 297:18 302:3 306:11 311:11,11 312:1 317:13,13 334:1,8 335:16,19 336:12 339:11 340:11 341:1 344:24 346:1 347:3 <b>chunk</b> 151:8,11 <b>chunks</b> 149:23 151:7,13 <b>church</b> 2:15 <b>circuits</b> 345:11 347:15 <b>circumstance</b> 336:6 <b>ciric</b> 46:2 48:12 51:2 58:21 59:23	60:1 64:19 74:10 74:16 75:3,17 76:19 86:23 89:10 89:12,14,15,21 95:11 100:5 112:18 113:2 117:9 119:7 120:3 120:9,11 171:8,9 182:8 187:7 208:5 218:8,14 222:24 222:25 223:9 232:20 233:24 333:10 <b>ciric's</b> 90:13 167:21 219:6 332:15 <b>city</b> 1:7 2:10,14 4:8 6:14 9:1,2 27:13,15 68:19,23 74:19 79:12 104:1 105:14 123:14 185:4,7,12 186:6 188:4 189:6 190:18 211:19 249:15,19 251:19 251:22 252:6 253:24,24 255:7 256:8 263:12,12 313:3 326:10 344:14 358:1 359:1 <b>civil</b> 82:21,22,23 83:14 351:9 <b>claim</b> 291:18 311:13 315:14,17 338:18 343:22 <b>claimed</b> 293:21 <b>claiming</b> 192:10 215:8 338:20 341:11,14	<b>claims</b> 258:1 313:16,18 <b>clarification</b> 54:4 138:22 <b>clarify</b> 24:23 53:24 126:11 138:16 210:10 256:23 277:21 286:1 297:21 343:21 <b>clarifying</b> 255:15 <b>claudia</b> 182:1 <b>clean</b> 207:5 265:14 <b>cleaned</b> 166:8 <b>clear</b> 19:2 61:14 76:22 167:19 206:6,13,25 229:24 253:11 <b>clearance</b> 29:2 <b>cleared</b> 206:2 209:21 210:17 <b>clearing</b> 210:14 <b>clearly</b> 55:10 76:15 94:16 119:3 181:2 342:7 <b>clerical</b> 345:9 <b>clerk</b> 158:11 <b>click</b> 194:25 <b>client</b> 7:19 18:23 67:13 144:7 156:7 157:2,4 301:15 <b>clients</b> 144:9 <b>clinic</b> 50:4 52:3 53:25 60:5 77:8 82:10,11,14,18 83:4,10 86:10 90:5,10,14,24 92:11 93:8 101:18 101:19 108:15,16 114:10,12,16,23 115:1,7 132:9	167:19 187:10,12 202:7,8 203:7,15 203:17,19 204:15 206:21 207:8,16 207:19,19,22 208:7 209:10,11 209:13,19,23 214:4,15 216:5 219:9 222:16,17 222:23 231:12 237:17 243:12 249:20 256:24 267:8 285:6 293:24 323:21,22 348:8,13 <b>clinical</b> 29:2 54:15 56:12,19 108:18 131:6 330:4 <b>clinicians</b> 95:9 <b>clinics</b> 27:13,14,16 41:7,10,13 50:5,10 60:3 76:4,6,20 78:8,9,10 84:5 85:21 86:1 89:13 90:9 94:18 102:8 114:4,21 119:12 152:19 162:24 163:20,21 164:2,6 164:23 165:7 166:1,12 171:11 171:24 172:17,23 173:14 176:21,23 177:24 202:11 204:8 212:18 216:11 241:7 244:9 279:2 284:22 <b>close</b> 27:21 272:10 272:21 320:12 327:20 350:14 354:25
--	---	--	--

Melissa Kaye

[closed - complaining]

Page 13

<b>closed</b> 211:3 223:1 355:11 <b>closely</b> 129:24 196:7 <b>closes</b> 272:12 <b>closing</b> 19:16 64:18 <b>cob</b> 252:13,21 255:6 310:10 <b>codd</b> 341:16 <b>code</b> 296:8,9 299:5 <b>coenzyme</b> 29:20 29:25 31:2 <b>coerced</b> 234:12 <b>coercing</b> 261:24 <b>coercive</b> 232:7 <b>coffee</b> 345:10 <b>coffin</b> 275:25 <b>cognitive</b> 334:17 334:18 <b>coib</b> 310:11,12 <b>cold</b> 11:14 330:19 <b>collateral</b> 145:8 <b>colleague</b> 59:22 80:6 <b>colleagues</b> 44:23 45:1 59:18,20 89:1 332:9 <b>collect</b> 145:9 <b>collected</b> 110:1 126:16 <b>collective</b> 47:17,20 79:11 83:18 84:1 84:5,7,13,23 90:21 90:25 91:6,10 92:3 93:11,13,16 93:19 94:6 117:10 <b>college</b> 158:4 200:23 <b>colley</b> 42:4 59:1,2 59:5 60:17 61:22	62:6,12,18 63:10 64:3 65:1 75:7,21 90:7 95:12 100:6 102:17 104:14,16 108:14,23 111:14 111:19,21 112:5 112:23 162:4,7,20 163:24,25 164:3 165:6,10,13,23 172:11 175:2 182:6 184:1,3,6,20 190:5 246:21 333:10 <b>colley's</b> 332:15 <b>colonoscopy</b> 22:21 <b>colorado</b> 200:18 330:17 <b>combat</b> 29:21 <b>combination</b> 128:21,23 320:2 <b>come</b> 11:24 56:13 56:14 64:18 89:12 97:1 102:23 127:21,25 128:14 130:8 152:15 172:15 190:17 208:15,16 213:9 214:8 248:9 263:24 267:15 269:4,6,13,25 271:6 272:9 279:1 305:13,14 306:3 323:20,22 332:11 346:6 347:21 <b>comes</b> 43:14 155:11 321:5 332:5 <b>comfortable</b> 44:1 260:14 311:21 <b>coming</b> 43:1 136:15 187:22	214:17 218:23 253:6 268:19 307:2 346:15 348:7,17 <b>command</b> 41:11 261:2 <b>commensurate</b> 234:10 <b>comments</b> 55:23 318:12,14 <b>commission</b> 74:19 <b>common</b> 160:5 273:18 <b>communicate</b> 178:13 <b>communicated</b> 55:4 190:20 <b>communicating</b> 7:22,25 328:14 329:14 <b>communication</b> 115:25 162:11 <b>community</b> 166:5 178:17 179:15 <b>commute</b> 271:18 <b>company</b> 126:18 136:1 <b>comparable</b> 76:19 114:1 115:11 117:8 118:5 136:2 136:15 233:23 <b>comparative</b> 265:5 <b>comparator</b> 45:25 46:1 47:1 60:2 86:25 112:18,19 112:20 117:8 120:9,18 218:14 218:23 232:9 234:14,17	<b>comparators</b> 112:17 217:12 233:12 <b>compare</b> 113:13 115:10 <b>compared</b> 52:25 93:19 120:3 150:25 151:1 209:10 <b>compensate</b> 144:16 <b>compensated</b> 115:5,14 144:11 144:13 <b>compensation</b> 138:23 217:20 <b>compensatory</b> 341:2,5 <b>competency</b> 146:3 152:5,8 166:24 173:8 177:18 203:11 205:1 249:20 251:9 333:7,11,20 335:15 <b>complain</b> 258:9 261:11 293:17 296:22 307:22 308:7 310:22 311:1,4 <b>complained</b> 75:6,7 86:17 95:8 216:16 216:19,20 234:23 240:13 261:6 262:3 279:10 296:23,25 306:6 307:24,25 308:16 310:10 <b>complaining</b> 115:24 121:10 219:1 248:25
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Melissa Kaye

[complaining - consolidation]

Page 14

258:14 311:7 343:6 <b>complaint</b> 3:8 57:25 60:19 61:6 65:10 74:17,18 75:4,9,12 77:16 108:3 113:1 119:7 120:2,16 121:5,8 153:16,17 192:11 192:13,15,22 194:3,4,11,12 195:15,23 197:9 197:10 198:25 199:2,11 200:5,12 216:8,22 217:5,6,9 233:6,8 234:14,16 235:6,10 238:24 242:1 247:13,14 247:20 261:22 262:4,5 272:24 277:17,18,18 291:11 304:20,23 305:3 307:6,7 310:7 315:5,14 320:5,6 326:4,6,8 339:1 344:15 354:17 <b>complaints</b> 56:9 62:21 188:6 189:2 189:5 191:25 261:19 278:6,6,7 281:12 296:17 297:12,17,20 307:15,15,16,18 310:6,8,9 <b>complete</b> 54:6 169:19 359:8 <b>completed</b> 145:12 <b>completely</b> 104:1 149:7 211:11 224:7 225:12	228:9 273:25 275:12 347:23 <b>completing</b> 355:1 <b>complex</b> 250:22 <b>complicated</b> 146:23 236:5 <b>complied</b> 281:1 <b>comply</b> 276:2 <b>complying</b> 280:14 <b>component</b> 273:22 <b>compound</b> 21:15 285:18 346:23 <b>compromised</b> 51:16 <b>computer</b> 7:22 43:1,6,13 192:7 206:18,19,23,23 345:12 347:16 <b>computer's</b> 192:4 <b>computerized</b> 287:3 <b>concept</b> 89:9 <b>concern</b> 100:4,6 166:4,21 174:7 182:20 190:7,20 196:13 306:11 308:25 315:7,15 <b>concerned</b> 61:6 91:20 99:13 100:5 120:3,5 156:16 163:11 167:10 172:24 184:6 216:18 289:3 296:18 331:12 <b>concerning</b> 176:13 200:5,7,7,9 217:10 238:21 241:17 280:16 291:25 317:6 329:19 <b>concerns</b> 49:12 91:14,21 99:15,25	118:17,20 153:4 166:16,23 167:1,3 168:12 178:11,14 178:16,18,21 179:3,15,21,22 180:8,25 181:1,3,9 182:20,22,23 183:9,17,21 184:10 187:17 190:19 228:5 237:21 249:3,7 257:14 260:9,22 260:23 287:7 296:14 317:4 318:6 335:16 <b>concluded</b> 355:16 <b>conclusion</b> 44:15 100:21 <b>concourse</b> 271:4 <b>condition</b> 11:6 12:8 21:11 22:5,7 30:6,9 33:3,8 34:18 301:6 302:1 302:3,5 303:3 314:11 <b>conditions</b> 5:15 86:14 93:1 153:2 168:3 233:1 238:21 247:3 <b>condolences</b> 330:22 <b>conduct</b> 1:13 4:12 54:21 144:19 291:25 332:21 333:7 <b>conducting</b> 45:10 54:17 95:15 333:20 <b>conference</b> 36:10 343:8	<b>confirm</b> 47:19 <b>confirmed</b> 298:1 <b>conflict</b> 248:7 254:15 269:22 <b>conflicting</b> 252:6 <b>confused</b> 348:4 <b>conjunction</b> 92:20 98:5 346:2 <b>connect</b> 349:16 <b>connection</b> 9:20 70:16 190:1 241:21 <b>consecutively</b> 252:3 <b>consent</b> 5:9,12 354:20 <b>consider</b> 21:6,9 49:12 66:3,3 115:18,19 176:1 188:16 284:23 <b>considerations</b> 258:23,24 <b>considered</b> 60:1 87:9 113:23 174:16 175:17 240:6 296:15 <b>considering</b> 184:11 <b>considers</b> 113:5 <b>consistent</b> 125:9 150:20 177:11 209:23 210:16 282:20 <b>consistently</b> 142:12 149:25 150:21 <b>consolidate</b> 162:24 164:18 <b>consolidation</b> 164:2
---	--	---	--



Melissa Kaye

[conspire - couldn't]

Page 15

<b>conspire</b> 290:4 <b>constant</b> 192:2 246:1 <b>constitute</b> 5:4 <b>constitution</b> 99:9 174:18 <b>constitutional</b> 99:4,11 100:1 166:25 175:16 233:21 258:2,18 258:24 262:2 313:16 335:14 336:11 <b>construed</b> 113:7 <b>consult</b> 150:1 <b>consultancy</b> 145:16 147:11 150:22 152:4,21 154:21 255:11 <b>consultant</b> 140:2,8 <b>consultation</b> 142:6 142:6,7 143:2 <b>consultations</b> 142:12 148:6,18 <b>consulting</b> 140:2 142:4 143:22 145:24 146:1,3,10 146:16 147:5 152:5 155:15 <b>consults</b> 147:23 <b>consumed</b> 122:15 <b>consumers</b> 140:4 <b>contact</b> 7:2 46:14 71:22 72:11 75:15 136:11 273:18,25 291:22 293:18 <b>contacted</b> 41:4,5 46:13,18,22 72:2,4 72:17 73:15 74:4 144:4,5 291:15,24	<b>contacting</b> 72:18 <b>contains</b> 320:13 <b>contemporaneous</b> 36:9 <b>contemporaneou...</b> 225:5 247:23 <b>contempt</b> 279:20 280:12 333:18 334:1,8 336:13 <b>context</b> 53:16 <b>contingent</b> 128:24 <b>continuation</b> 172:14 <b>continue</b> 18:23 117:9 135:11 139:19 154:19 179:5 211:23,24 221:1 254:3 292:20 298:12 318:6 340:16 341:7 <b>continued</b> 17:7 64:8 293:20 <b>continues</b> 264:20 329:6 <b>continuous</b> 293:12 <b>contract</b> 240:7 297:2 <b>contracts</b> 246:25 <b>contribute</b> 266:10 <b>control</b> 2:20 190:3 276:17 <b>controlled</b> 174:22 <b>convenient</b> 186:23 263:17 <b>conversation</b> 57:20,23 118:8 170:4 220:15 225:24 314:25 316:2,13,14,15 322:10 323:19	<b>conversations</b> 163:9,16 230:25 231:1 265:23 309:11 354:19 <b>convert</b> 286:3 <b>converted</b> 133:6 185:2,11 <b>coordinating</b> 207:11 <b>cope</b> 25:19 <b>copied</b> 311:13 <b>copies</b> 192:9 198:9 243:18,24 282:4 283:11 <b>copy</b> 137:11 197:12 224:11,19 243:21 248:20 282:7 311:15 326:6,8 350:25 <b>core</b> 258:1 <b>corner</b> 194:25 195:2 347:19 <b>corners</b> 312:17 314:5,14 346:1 <b>corporate</b> 64:10 76:18 78:1,2,14 79:23 80:3,5 81:21 82:17 240:10 <b>corporation</b> 1:8 2:11 4:9 8:25 9:2 9:5 48:4 126:20 126:23 135:9 358:1 359:1 <b>corporations</b> 138:14 <b>correct</b> 9:11 28:4 31:5,8 40:19 54:18 64:24 69:6 71:20 73:7 78:20 78:23 80:13 85:7	88:9 92:12 93:17 111:18 114:4,5,10 114:11,13,14,22 114:24 120:4,9,14 120:25 146:13 147:9 159:17 160:10 161:24 195:24 199:13 200:15,20 201:5,8 201:18,25 202:18 203:4,5,20 215:9 218:20,24 222:5,7 233:11 235:2,6,7 238:6 239:3 244:25 245:1 261:5 267:14 271:9 280:16 286:4 359:8 <b>corrected</b> 112:21 120:24 285:13 296:13 <b>correcting</b> 89:9 <b>correction</b> 121:1,2 <b>correctional</b> 166:13 <b>corrections</b> 102:23 359:6 <b>correctly</b> 162:15 241:12 <b>corresponded</b> 210:19 <b>correspondence</b> 321:22 <b>corresponds</b> 221:17 <b>corrupted</b> 340:10 <b>corrupting</b> 176:10 <b>cost</b> 94:7 305:18 <b>couldn't</b> 273:11 345:16
--	--	---	---

Melissa Kaye

[council - cuts]

Page 16

<b>council</b> 85:1,3 92:17 168:12 185:1 220:23 221:23 226:1 229:9,10,11 230:10,23 291:25 297:1 <b>counsel</b> 5:8,11,13 8:25 69:23 75:15 169:21 180:23 245:10 264:20 279:8 315:16 319:9 335:25 354:13 356:11,14 357:7,10 <b>counsel's</b> 217:15 239:12 295:11 <b>counselor</b> 137:3 337:17 <b>county</b> 158:10 205:6,15 231:20 <b>couple</b> 9:7 26:17 62:14 130:23 135:22 <b>course</b> 40:10 62:6 62:14 128:2 164:3 193:2 273:12 279:24 311:10 322:17 340:18 <b>court</b> 1:1 9:13,15 10:20 27:13,15 36:19 37:1,4,7 39:15,15 41:7,10 41:13 50:4,5,9 52:3 53:25 60:3,5 76:4,6,20 78:8,8 78:10 82:10,11,14 82:18 83:4,10 84:4 85:21 86:10 89:13 90:5,8,10,14 90:24 92:10 93:8	94:18 95:24,25 96:4 98:7,9,12 101:18,19 102:8 114:4,10,12,16,21 114:23,25 115:7 119:12 157:8 163:20 167:19 169:8 171:11,24 172:17,23 173:8 173:14 174:3,3 176:13 177:18,24 187:10,12 195:16 196:16 197:16 202:6,8,11 203:4,7 203:9,14,17,18 204:8,15,16 206:20 207:8 208:7 209:10,11 209:13,19,23 212:18 214:4,15 216:4,11,19 219:9 222:16,17,22 231:12 237:17 241:7 243:11 244:9 249:10,11 249:20 250:11 251:17,18 255:21 256:24 260:11 278:15 279:2,3,4 279:19 285:6 293:24,24 318:11 319:23 323:20,22 333:14,15 334:9 334:10,10 335:17 335:20 336:3,9,13 340:12 342:5 344:6,10 348:8,13 350:16 352:23 353:10 354:22 355:6	<b>court's</b> 36:4,17 257:17 332:13 <b>courtesy</b> 7:19 36:21 <b>courthouse</b> 51:3 263:14 264:2 270:24 <b>courthouses</b> 50:14 <b>courts</b> 96:2 98:2,4 210:20 211:3 256:15 270:7 272:10 279:22 330:5 333:9 335:1 335:7 <b>cousin</b> 327:16 <b>cover</b> 65:11,12 136:8,11 142:9 262:19 269:4,4 285:12,25 319:7 320:9,15 323:20 323:22 <b>coverage</b> 124:2,9 124:18 125:18,18 126:21 128:20 129:17 130:25 131:4 132:18 268:17,21 269:1 <b>covered</b> 209:14 <b>covering</b> 125:25 136:13,14 186:17 <b>cpl</b> 203:10,11 204:24,25 255:22 314:18 <b>crafty</b> 263:22 <b>crazy</b> 304:15 <b>creams</b> 275:17 276:20,23 277:6 294:18 <b>created</b> 172:25 173:1 272:3 279:21	<b>credentials</b> 217:13 <b>crescendo</b> 27:11 <b>criminal</b> 45:11 95:24 96:7 99:4 99:12,16 100:1 152:9 173:6 184:8 203:4,10 261:24 267:5 334:13,13 340:10,13 <b>criminally</b> 205:11 <b>crippled</b> 212:14 <b>crippling</b> 212:10 <b>critical</b> 53:7 <b>cross</b> 217:15 <b>crossfires</b> 279:25 <b>cruel</b> 272:5 <b>cry</b> 271:23 306:13 <b>cryptic</b> 87:7 <b>crystals</b> 15:11 35:6,10 <b>cuff</b> 15:12 <b>culture</b> 48:5 <b>cunning</b> 262:17 <b>current</b> 68:9 220:17 <b>currently</b> 12:21 13:14 14:12 16:6 29:4,11 31:11 123:7 <b>custodians</b> 278:24 <b>custody</b> 314:22 <b>cut</b> 97:4,4 131:23 132:3,4 193:8 194:5 258:16 259:9,11,16 261:12 290:19 312:17 314:4,14 331:17 <b>cutoff</b> 34:22 <b>cuts</b> 192:3 290:21
---	---	--	--

Melissa Kaye

[cutting - delayed]

Page 17

<b>cutting</b> 289:6 293:10 312:10,10 346:1 <b>cv</b> 1:7 <b>cyclone</b> 45:6	147:24 196:17,20 201:6 234:13 286:13 306:17,23 358:24 359:12 <b>dated</b> 108:19 197:11,11,13,23 198:3 220:6 238:6 321:3,4 322:8,21 346:19 <b>dates</b> 109:7,21 148:16 294:17 295:24 <b>daughter</b> 267:17 328:23 341:13 <b>daughter's</b> 342:7 342:8 <b>davidson</b> 46:17,22 <b>day</b> 120:19,19 131:10,15 153:21 154:10,10,11 199:17 212:6 216:22 236:8 237:6,7 238:12 239:21 263:10,24 265:20 269:23 276:20 281:21 282:15,19 283:17 284:6 286:10,13 288:11 293:20 296:7,11 306:3 345:7,8 348:15 359:15 <b>days</b> 10:14 51:12 56:16 212:7 241:23,25 294:22 294:23 295:1 300:23 <b>dayshift</b> 138:18 <b>dc</b> 84:9,14,20 92:21	<b>dcanfiel</b> 2:17 <b>de</b> 14:21,22,25 <b>deal</b> 62:15 127:24 247:5 279:24 280:25 <b>dealing</b> 114:18 274:15 <b>dealt</b> 62:15 <b>deandra</b> 335:25 <b>death</b> 39:10 300:8 301:3 322:11 326:21 327:5 <b>debate</b> 65:24 <b>december</b> 24:5,5 24:11 41:6,12 161:24 212:5 321:14,15 326:19 327:1,18 <b>deceptive</b> 257:16 <b>decide</b> 98:11 <b>decided</b> 27:12 76:3,17 77:15 92:24 124:11 152:16 158:4 191:24 344:23 345:2 354:23 <b>decision</b> 91:15 156:15 188:4 191:17 222:13 239:7 240:6 241:6 242:9 282:17 334:5 <b>decisions</b> 279:18 <b>declaration</b> 70:16 70:24 <b>declare</b> 359:4 <b>decreased</b> 133:10 154:8 <b>deemed</b> 45:5 213:14 359:6	<b>defaming</b> 253:10 <b>defend</b> 211:10 <b>defendant</b> 54:5 68:10,11 174:25 214:21 249:18 251:24 314:20 347:18 348:16 <b>defendant's</b> 335:14 336:11 <b>defendants</b> 1:14 1:15 2:10 4:13,13 5:9 9:1 45:11 51:23,23 99:5,12 99:16 100:1 152:9 166:24 174:8 194:10 205:10,11 233:20 252:2 256:11,14 257:14 261:24 267:5 279:5 319:20 338:20 354:13 <b>defending</b> 106:25 <b>defense</b> 179:15 253:18 279:8 345:21 <b>define</b> 41:23 147:6 294:25 <b>definitely</b> 27:20 52:10 209:17,18 269:23 346:25 <b>definition</b> 79:14 79:20 229:10 <b>defy</b> 335:21 <b>defying</b> 39:15 98:7 278:15 279:7,23 <b>degree</b> 158:16 200:17,18,22 333:16 335:2 <b>delay</b> 312:13 <b>delayed</b> 274:10 284:21
---	--	---	---



Melissa Kaye

[delays - director]

Page 18

<b>delays</b> 270:20 274:13	69:16 81:7 100:15 103:18 169:23	<b>development</b> 57:14	101:25 284:8 300:10
<b>deliberate</b> 285:5	170:1 179:20	<b>developmental</b> 274:13	<b>difficult</b> 10:20 26:8 142:19
<b>deliberately</b> 281:11 283:2,4 285:4 345:16	224:18 259:21 288:6 289:5 319:14,17 354:11 354:25 355:2	<b>device</b> 6:20 <b>devices</b> 8:7	265:24 266:1,5,6 276:2 317:23
<b>demonstrate</b> 213:18	<b>depositions</b> 7:21	<b>dexilant</b> 32:2,3,21 32:24	<b>difficulties</b> 281:14 334:18 355:4
<b>demonstrated</b> 296:24	36:21 106:25 227:24 319:19	<b>diagnosed</b> 20:16 20:20,23	<b>digital</b> 356:8 357:3 <b>dime</b> 305:19
<b>demotion</b> 240:15 240:16,19 242:5 242:20	<b>depression</b> 143:3	<b>diagnoses</b> 98:1	<b>dinging</b> 43:1
<b>denial</b> 192:4	<b>deprivation</b> 266:10 275:14,19 275:22	<b>diagnosis</b> 273:17	<b>diplomate</b> 201:2,3 201:4
<b>denied</b> 46:11 217:2 281:9,16 284:9,12,14 291:5 293:16 294:10,25 295:4,17,19 303:1 304:11	<b>deprived</b> 275:12	<b>dialogue</b> 164:21	<b>diana</b> 158:9
<b>dental</b> 186:16	<b>deputy</b> 82:18 101:18 207:12	<b>diblasio</b> 173:1	<b>didn't</b> 303:9
<b>deny</b> 113:23 333:3	<b>derken</b> 181:21	<b>die</b> 63:11 76:13 186:21 214:10 326:18	<b>direct</b> 45:22 65:22 180:23 220:21 233:12 235:22 307:1 325:7
<b>denying</b> 281:5,5 307:19,20	<b>dermatitis</b> 273:18	<b>died</b> 322:16 326:24 327:1,2,17 327:17 328:6,12 330:16,21 331:5	<b>directed</b> 94:17 285:6
<b>department</b> 2:14 9:1 68:19,23 69:17,21 102:23 320:21	<b>described</b> 171:22 301:5 321:25	<b>diem</b> 123:13 124:10 129:14,15 130:15,16 133:16 145:25 146:7,8,12 149:22 212:5	<b>directing</b> 221:21
<b>depend</b> 41:23	<b>describing</b> 50:25	<b>difference</b> 64:23 153:23 230:14	<b>directly</b> 105:10 126:18 141:7 172:10 216:20 334:20 335:17
<b>dependent</b> 281:19	<b>description</b> 3:6,21 87:12	<b>different</b> 28:14 43:10 64:10 69:12 76:12 79:8,23 82:3 104:1 123:22 129:16 146:9 191:14 201:11 205:9 232:13,16 237:17 269:3 279:5,5 339:2	<b>director</b> 45:19 53:17 54:16 59:6 59:6 82:11,13,18 90:10,11,15 91:5 101:6,7,18,19 163:1 165:11 187:10 202:21 204:10 207:13 208:7,8,12 211:19 211:21 216:9 219:9 222:15,16 222:24 223:2 231:2,12,15,17,18 231:21 239:1,1,8 240:22,23 241:8 242:3,17,18 243:9
<b>depends</b> 65:19	<b>designated</b> 79:12 204:25	<b>die</b> 63:11 76:13 186:21 214:10 326:18	
<b>deplete</b> 30:23	<b>desk</b> 197:13	<b>died</b> 322:16 326:24 327:1,2,17 327:17 328:6,12 330:16,21 331:5	
<b>deponent</b> 259:17 359:3	<b>despite</b> 217:12	<b>diem</b> 123:13 124:10 129:14,15 130:15,16 133:16 145:25 146:7,8,12 149:22 212:5	
<b>deposed</b> 69:20	<b>detail</b> 93:9	<b>difference</b> 64:23 153:23 230:14	
<b>deposition</b> 1:17 4:6 5:2 6:21 7:4 36:3,20 37:17 38:3 43:16 65:16 65:23 66:1,6,11,13 66:24 67:21 69:15	<b>detailed</b> 87:12	<b>different</b> 28:14 43:10 64:10 69:12 76:12 79:8,23 82:3 104:1 123:22 129:16 146:9 191:14 201:11 205:9 232:13,16 237:17 269:3 279:5,5 339:2	
	<b>details</b> 79:19 115:15	<b>differently</b> 44:22 44:24 50:16	
	<b>determine</b> 11:3 142:22		
	<b>devalued</b> 57:16		
	<b>devastating</b> 154:14		
	<b>develop</b> 35:10 334:19		
	<b>developing</b> 250:24		

Melissa Kaye

[director - doing]

Page 19

243:14 244:10,22 256:24 265:18 280:1 313:24 314:3,9 <b>directors</b> 60:2 233:10 241:6 242:10 247:24 248:4,18 249:4 256:20 264:13,22 265:5 <b>directorship</b> 216:11 311:24 <b>disabling</b> 273:11 <b>disagree</b> 218:25 <b>discharge</b> 142:23 333:11 <b>discharged</b> 190:15 <b>disciplinary</b> 94:10 329:7 339:3 <b>disclose</b> 235:11 <b>disclosed</b> 320:12 <b>discovered</b> 45:16 45:23,23 112:19 <b>discovery</b> 38:4,5 38:11,14 137:16 <b>discrepancies</b> 297:21 298:6 <b>discrepancy</b> 80:13 112:20 113:9,9 <b>discrete</b> 79:13,20 <b>discriminated</b> 45:13 332:3 <b>discriminating</b> 44:21 <b>discrimination</b> 44:11,13,18 <b>discriminatory</b> 188:5 189:1,6 <b>discuss</b> 144:6 226:10,14 326:12	<b>discussed</b> 100:9 117:3 179:16 230:20 333:1 <b>discussing</b> 184:22 <b>discussion</b> 55:16 95:16 164:17 172:13 184:19 185:8,10 209:13 213:25 222:1,11 222:12 226:22 227:9 249:7 303:9 344:3 <b>discussions</b> 163:5 164:1,6,24 165:2,3 166:19 <b>diseases</b> 274:22,23 <b>disfiguring</b> 273:11 <b>disguised</b> 94:25 <b>dislike</b> 329:24 <b>disliking</b> 253:9 <b>dismissed</b> 313:5 314:21 344:15 <b>dismissive</b> 55:6 317:17 <b>disparity</b> 105:9 <b>disruption</b> 273:3 <b>disruptive</b> 43:16 175:1 <b>disseminated</b> 46:5 <b>distancing</b> 133:11 <b>distinct</b> 104:22 <b>distortions</b> 246:4 <b>distress</b> 25:16 <b>distributed</b> 247:25 248:19 <b>district</b> 1:1,2 9:6 176:7 181:13 182:10 <b>division</b> 45:19 59:6 74:18 90:11 163:2 165:12	202:21 216:9 244:7,9 <b>dna</b> 327:19 <b>doable</b> 276:10 <b>doc</b> 102:23 <b>docked</b> 282:14 283:24 285:10,23 286:5,7 287:14 290:15,22 291:2,6 292:5 <b>docket</b> 197:17,19 198:8 199:3 <b>docking</b> 289:19 298:19,21 <b>doctor</b> 13:5,18,21 14:8,19 17:24 19:19 21:6,9,11 23:23 25:6 34:25 127:19 128:21 129:3 138:17,19 143:18 244:24 253:15 274:18 329:23 <b>doctor's</b> 12:21 13:14 <b>doctors</b> 14:12 16:5 16:11,16 21:13 22:23,24 27:23 28:19 34:17 46:6 52:25 85:1,3 92:16,19,22,23 128:4 130:22 133:8,12 142:8 143:13,14 151:11 154:7 167:23 168:12 185:1 186:9,13 208:14 213:22 220:23 221:23 226:1 229:8,10,11 230:10,23 248:13	248:16 249:14,19 250:23 251:8,15 252:5 254:24 263:1 291:25 297:1,1 <b>document</b> 40:22 105:17,21,25 107:1,13,24 110:23 128:2 136:24 141:10 176:3 196:6 199:4 219:11 220:2,4,6 221:1,2,6,11 224:19 318:11,12 318:17 319:3,11 320:9,15 321:2 326:2 336:16 350:16,21 351:12 <b>document's</b> 326:13 336:17 <b>documentation</b> 287:9,13 <b>documents</b> 37:21 38:2 65:13 155:18 301:9 319:10 320:3 353:10 <b>doe</b> 70:10,17,21 274:14 <b>doh</b> 59:4 <b>doi</b> 307:25 308:7 308:16,24 310:4,7 <b>doing</b> 8:11 44:1 49:24,25 76:5 114:18 123:13,15 124:9,11,16,18 126:13 129:13,17 129:22 131:4 146:2,12,16 148:10,17 150:24 152:21 154:1,21 155:15 174:2
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Melissa Kaye

[doing - dr]

Page 20

203:7,9,11,18	57:3,6,11 58:4,4,6	161:17 162:4,4,7,8	248:21,23 249:2
204:5,8,14 210:3	58:21,22 59:1,2,3	162:20 163:3,13	251:7 252:18,19
211:18 213:22	59:5,12 60:17,20	163:23,25 164:3,4	252:20,22,25
214:17 217:3	60:23 61:18,18	164:13 165:6,10	253:1,11,13,16
251:22 252:8	62:6,6,12,12,18,18	165:13,23 167:21	256:20,23 257:8
255:6,11,15,17	63:9,10 64:3,25	169:1,2,16,18,21	257:12,12,13,19
269:17 280:3,7	65:1 66:11,21,22	170:3 171:2,8,8,9	258:13,17,20,21
282:16 284:8,23	71:19 74:10,16	172:5,7,11,11	259:5,21 260:2,2,7
294:18 306:25	75:3,6,7,17,20,21	175:3,9 178:24	260:7,22 261:4,6
311:2 323:1 347:6	76:19 77:3,11	179:19 180:14	264:22 265:23,25
349:17	80:23 81:4,9,24,25	182:7,8,8 184:3,6	280:19,21,25
<b>donna</b> 2:13 5:8	81:25 83:9 85:10	184:12,12,19	281:19 283:2,8,21
8:24	85:12,12,15,18,19	187:6,9,16 188:2	288:15,23 289:18
<b>door</b> 99:22,23	85:20 86:3,4,10,10	188:11 189:4,10	292:16 293:14
270:19,19 305:23	86:18 87:11,11,24	189:20,22,23,23	294:14,25 295:14
305:24 346:4,7	88:5,7 89:6,21	189:25 190:3,4,5	299:25 300:2,19
<b>dot</b> 190:1,1,1	90:7,13,17,20	190:14,19,20,22	301:24 305:25
<b>dots</b> 349:16	92:24 95:5,10,11	190:23 191:5,5,6,7	310:7,19,23,23,25
<b>double</b> 211:16	95:11 96:11,13,24	193:4,15 194:22	311:2,2,4,6,17,21
283:19,20 298:14	97:21 98:13,18	199:7 203:1,2	311:23 312:2,3,3
<b>downtown</b> 85:24	99:7 100:15,15	207:5,11,15,15,20	313:10,22 314:9
<b>dr</b> 4:6 5:13 6:3	101:1,4,5,17 102:2	208:4,8 211:14	314:10,25,25
7:21 8:8,17 13:23	102:18,18 103:2	212:3,3,11,19,20	315:22,23 316:2,6
14:4,5,10,21,22,25	104:6,9,13,13,16	213:8,9,23 215:3	316:9,12,13,14,20
16:22,24 17:4	104:17,18 105:25	215:19,22 216:3,3	316:20,22 317:3,3
18:21 19:5,6 20:4	106:19 107:23	216:7,8,20 218:1	317:4 318:6,20
21:6,9,20,21 22:9	108:21,23,24,24	220:1,7 221:11,13	319:7,24 320:10
22:12,19,20 23:23	108:24,25,25	224:1,9,21 225:1	320:16,17,20
25:9,17,21,23 28:8	109:5,18,20	225:22 226:14,21	321:2,3,5,12,23
30:5,8 31:10 33:9	111:13,14,19,20	227:8,15 228:1,17	322:10,14,21
33:9,15,18 34:23	111:21,21,25	229:25 231:4,16	324:5 329:18,19
35:24 37:16 39:7	112:4,5,23,23,24	231:17 232:20	329:24 330:3,23
39:9,9,20 42:5,10	112:25 114:3,6,7,9	233:10,10,10	331:9 332:25
44:8,20 45:12,16	114:20 115:3,10	234:4,22 235:9,12	333:9,10,10 335:2
45:18 48:16 50:16	115:16 116:11	237:12,20,20,23	336:18 339:13,21
51:1,1 52:24 53:3	117:22,25 118:2,7	243:11,13,21	340:22 343:3,11
53:4,6,7,8,11,12	118:13,16 119:10	244:3,4,10,11,11	343:12,14,15
53:17,19 54:1,2,9	119:11,11,11	244:11,12,12,14	344:13 346:6,14
54:10 55:2,4,6,10	120:2,9,11 123:7	244:19,21 246:20	348:4,7 349:23
55:12,13,16,18,19	153:5,5,9,16 155:6	246:20 247:17,19	350:2,20 352:4,14
55:23 56:6,9,10,11	157:13,13,20	247:25 248:1,18	352:16,21,23

Melissa Kaye

[dr - emergencies]

Page 21

353:3,9,20 354:11 355:1 <b>draft</b> 248:13,19 <b>drafting</b> 249:4 <b>drag</b> 266:11 329:6 <b>draw</b> 49:10 <b>drink</b> 10:13 <b>drive</b> 206:19 266:25 <b>driving</b> 273:14 <b>drop</b> 151:10 268:16,20 269:2,7 269:8,11,11 270:2 271:7,9,10 291:1 <b>dropped</b> 268:14 269:8 270:23 314:21 <b>druthers</b> 246:17 <b>due</b> 174:8 233:20 335:15 <b>dug</b> 266:1 <b>duly</b> 5:21 356:5 <b>dump</b> 298:22 <b>duties</b> 204:11 220:18 252:7 <b>duty</b> 190:15 266:17 291:12 333:11	278:17 321:25 <b>earliest</b> 269:11 <b>early</b> 17:5 20:1,8 22:8,10 24:5,11 39:22,23 48:9 52:6,7 53:19 56:14,22 74:4 75:25 76:5,24 77:11 92:15 152:14 246:15 266:11 268:14,17 268:19,20 269:1,1 269:2,7,25 271:8 308:3,3 <b>earned</b> 113:11,20 <b>east</b> 270:6 <b>easy</b> 233:18 234:1 234:11 <b>ecf</b> 196:24 197:1 197:17 199:5 <b>eczema</b> 273:13 274:21 276:17 <b>edited</b> 248:13 <b>education</b> 68:20 68:23 69:2,17,21 <b>educational</b> 291:6 305:1 <b>eeo</b> 75:10,13 216:8 304:5 <b>eeoc</b> 61:13,24 74:18 77:16 112:25 119:3 153:16,16 191:25 216:22 234:13 235:6,10 237:12 239:2,9 242:1 247:14,19 304:19 304:23 305:3 <b>effect</b> 168:4 <b>effects</b> 29:22 30:1 30:19,23 31:4	32:23 <b>efforts</b> 214:22 355:3 <b>eight</b> 263:10 264:9 281:21 284:6 296:7 304:12,13 <b>either</b> 10:23 51:14 104:8,13 178:5 183:13 188:3 248:2 252:2 293:8 305:16 307:25 <b>electronic</b> 6:20 131:20 192:5 281:17 284:10,13 284:24 <b>elephants</b> 48:24 <b>elevated</b> 14:6 29:12 311:25 <b>eligible</b> 204:25 205:12 <b>eliminate</b> 273:24 <b>elizabeth</b> 1:8 2:11 4:9 9:2 26:22 39:5 48:7 92:18 108:14 114:19 163:6 166:5 207:16 231:19 237:18 248:6,23 256:23 310:20 311:24 312:8,15 314:2,8 <b>email</b> 3:7 35:25 36:13,14 39:10,19 39:20,21 40:18,24 44:8 46:6,9,12,12 53:20 60:11 87:6 88:16,17 103:12 105:19 106:7,20 107:10 108:13,24 109:11,18 110:23 111:14,14,19,20 112:8,11 115:16	117:22 118:2,19 118:21 162:11,16 216:4 217:23 218:1 220:6 224:2 224:3,6 225:12,23 226:2,17,22,22 228:18,22 229:6 229:25 234:22 238:5,6 240:2,25 241:2,16 242:11 243:24 244:5 290:11,11 295:15 295:20 298:23 299:3,12 303:14 309:10,21,24 310:1 320:4 321:3 321:5,7,12 322:20 325:7 326:2 327:15,16 329:16 329:22 330:16,18 330:24 346:14 <b>emailed</b> 107:2 116:11 <b>emailing</b> 173:7 177:14 <b>emails</b> 38:4,5,10 38:13,25 39:13 42:19 48:21,22 63:6 64:8 65:14 88:16 100:12 109:17,25 110:1 131:21 163:7,8 186:12 219:10,10 246:3 253:5 290:24 291:1 297:8,10 298:5 299:14,22 307:2 311:12 349:8 350:7 <b>emergencies</b> 127:21
<b>e</b>			
<b>e</b> 2:1,1 3:1,5,20,20 3:20,20 4:1,1 14:24 23:7 32:7 73:8,11 157:24 158:22 177:8 257:2 358:3,3,3 <b>earlier</b> 60:12 65:14 120:8 160:11 184:12 199:8 217:19 235:8 237:3 269:7 271:22 273:4,7			

<b>emergency</b> 7:1 128:4 <b>emmanuel</b> 1:22 4:3 356:2,19 <b>emotional</b> 25:15 274:5 <b>emphasize</b> 230:8 <b>employed</b> 30:15 30:18 84:21 123:7 123:9,18 139:6,12 166:6 294:9 339:5 356:11,14 357:8 357:11 <b>employee</b> 41:1 92:4 93:20 98:22 116:12 117:6 118:9 130:14 234:15 262:9,16 263:20 265:18 356:13 357:10 <b>employees</b> 94:5 234:9 246:1 253:24,25 264:16 265:6 298:20 <b>employer</b> 322:13 326:9,10 <b>employment</b> 41:16 88:8 139:5 142:2 155:10 167:4 184:18 193:18 221:16 238:22 329:6 339:10,14 340:25 <b>empty</b> 346:3 <b>endeavor</b> 173:11 <b>ended</b> 98:6 206:2 273:16 274:9 300:16 341:8 <b>endured</b> 292:9 <b>enemy</b> 253:3	<b>energetic</b> 321:25 <b>engage</b> 8:10 143:21 173:7 254:10 <b>engages</b> 330:3 <b>engaging</b> 254:24 255:10 <b>enlarge</b> 337:13 <b>ensure</b> 215:22 <b>entailed</b> 269:17 <b>enter</b> 281:19 <b>entered</b> 73:5,13 <b>entering</b> 283:3,4 <b>enterprise</b> 154:5 <b>enticement</b> 230:1 <b>entire</b> 107:11 221:2,6 227:25 234:13 <b>entitled</b> 342:1 343:23 <b>environment</b> 273:19 324:14 345:3 <b>enzymes</b> 30:24 <b>epipen</b> 274:9 <b>equal</b> 48:12 80:6 87:3,9 113:24,24 277:17 304:1 <b>equity</b> 59:9 112:14 114:1 188:6 217:10 278:6 307:15,15 310:8 <b>erica</b> 53:3 <b>erroneously</b> 60:16 <b>error</b> 299:1,4,4 <b>es</b> 356:4 <b>escorted</b> 237:24 <b>especially</b> 86:18 248:23 312:18 314:6 326:9	<b>esquire</b> 2:3,13 <b>essentially</b> 271:19 <b>establish</b> 251:1 <b>established</b> 114:6 232:14,20 265:1 <b>estimate</b> 128:17 <b>estimation</b> 210:15 <b>et</b> 9:5 <b>ethical</b> 216:16 251:25 258:23 <b>evaluate</b> 144:7,9 <b>evaluation</b> 50:10 102:5 142:7 145:6 145:7,10,13 173:9 174:17 204:11 216:10 244:9 250:5 332:22 <b>evaluations</b> 102:25 103:1 142:5,11 144:20 144:21 145:1 147:19 148:11 152:10 249:20 255:11 <b>evaluator</b> 50:3 52:2 90:23 105:14 202:8 222:23 <b>evaluators</b> 93:6 95:17 97:19 108:14 174:1 175:9 211:21 <b>evening</b> 149:5 <b>evenings</b> 148:25 <b>events</b> 215:8 <b>eventually</b> 90:13 92:2 175:18,19 176:6 177:14 199:3 212:20 285:13 292:5,11 292:18,25 293:5 293:14,19 295:22	295:23 296:13 <b>everybody</b> 244:14 262:20 264:9 265:3,4 304:13 332:16 <b>everybody's</b> 243:20 329:5 <b>everyone's</b> 239:8 239:15 296:15 <b>everything's</b> 168:2 230:12 239:22,25 <b>evidence</b> 138:23 213:7 239:11 245:3 282:23 316:8,17 320:7 349:6,13 <b>evidentiary</b> 5:1 <b>exact</b> 22:16 34:22 57:18 63:2,13 81:18 107:1,4 179:14 184:4,5 260:11 <b>exactly</b> 19:25 41:15 46:24 59:16 79:15 88:17 93:2 162:20 198:10 212:13 223:15 230:13,13,13 239:23 251:13 258:9 269:16 322:1 <b>exam</b> 28:8 51:20 52:3 54:7,21 95:15 175:5,12,15 175:18,19 176:9 177:19 205:1 211:20 293:20,21 333:12,21 <b>examination</b> 3:2 6:1 173:18,19 174:22,23 292:4,7
---	---	---	---



Melissa Kaye

[examination - fast]

Page 23

293:15 294:3 333:8 <b>examinations</b> 54:18 174:12 191:18 203:17 210:16 <b>examined</b> 5:23 176:6 <b>examiners</b> 93:7 <b>example</b> 173:21 <b>exams</b> 98:1 108:18 152:5,8 166:24 173:5 174:10 203:9,12,12,13,14 204:5,17 205:8,17 214:20,25 249:21 249:22 250:2 251:1,9 255:16,23 255:24 256:7 294:5 310:19,20 310:23,24 311:2,5 312:18 317:10 335:16 346:2 <b>excessively</b> 337:6 <b>exchanges</b> 39:7 <b>excited</b> 306:16 <b>excluded</b> 101:2 104:10 192:6 323:15 <b>excoriating</b> 273:10,20 <b>excuse</b> 18:20 57:2 150:11 179:19 277:20 288:18 289:1 293:3 299:18 342:12 347:8,22 353:11 <b>excuses</b> 347:24 348:23 349:23 <b>exercise</b> 164:23 352:24	<b>exercising</b> 166:11 <b>exhausted</b> 155:9 217:15 299:10 <b>exhibit</b> 3:7,8,9,10 36:15 108:1,2,3,4 108:5,6,8 192:16 192:18,20,25 194:10 219:14,20 219:21 224:9,22 225:2,15 227:20 324:25 325:2 <b>exhibits</b> 3:12 35:24 36:5,20 227:25 234:25 <b>expanded</b> 205:9 <b>expecting</b> 36:21 <b>expedite</b> 170:2 175:4 <b>experience</b> 31:12 178:10 213:12,19 217:12 317:22 <b>experienced</b> 32:24 96:6 105:14 172:20 206:16 279:4 334:12 <b>experiences</b> 178:8 <b>expiring</b> 127:23 <b>explain</b> 35:4 87:25 249:12 250:13,18 <b>explained</b> 77:4 87:25 258:22 277:22 291:19 311:22 <b>explaining</b> 258:17 <b>explains</b> 227:8 <b>explore</b> 188:12 <b>explored</b> 164:12 <b>exploring</b> 187:16 246:19,22 247:4 <b>express</b> 169:22 183:20 190:19	260:23 270:13 <b>expressed</b> 181:8 216:19 249:7 287:22 <b>expressing</b> 181:2 260:21 <b>expunged</b> 46:10 <b>extended</b> 153:21 247:6 <b>extensive</b> 26:24 <b>extensively</b> 182:6 <b>extent</b> 13:2,9 38:8 41:20 58:9 93:22 <b>extra</b> 213:20 264:5 <b>extreme</b> 172:19 <b>eyes</b> 240:18 <b>f</b> <b>f</b> 14:24 49:17 257:2 <b>face</b> 88:7,7 <b>facilities</b> 133:7,7 149:18 <b>facility</b> 142:21 148:5 <b>fact</b> 77:1 80:9 103:11 109:14 110:6,11 111:9 146:12 166:11 188:2,24 189:4 229:4 241:3 261:21 285:2 293:23 294:2 332:20,21 341:18 343:10 <b>factors</b> 35:6,11,11 35:13 <b>facts</b> 110:20 127:14 143:11 178:2 200:4 213:6 239:11 282:22 332:25 334:4	<b>factual</b> 200:13 201:16 <b>factually</b> 199:13 <b>failing</b> 49:11 <b>fair</b> 10:18 17:21 21:1,10 51:10 88:19 113:14 175:6 247:12 329:25 335:14 <b>fairly</b> 142:12 150:20 230:6 260:6 <b>faith</b> 190:14 191:23 343:10,13 <b>fall</b> 94:21 <b>false</b> 118:13 211:11 222:6,10 246:5 247:7 <b>falsehoods</b> 245:24 <b>falsely</b> 340:18 <b>falsities</b> 246:3 <b>familiar</b> 23:19 279:12 <b>family</b> 68:5,7 90:2 132:8 300:8 301:3 326:15 332:6 <b>family's</b> 277:14 <b>fan</b> 165:19 <b>faq</b> 168:8 <b>far</b> 21:13 22:24 27:25 52:22 94:10 120:19 122:15 156:16 172:20 253:21 258:14 268:7 289:3 <b>farkas</b> 49:15 50:15 51:4 52:23 55:18 57:6,11 58:4 <b>farming</b> 251:18 <b>fast</b> 301:1
---	---	--	--

Melissa Kaye

[father - five]

Page 24

<b>father</b> 327:22 328:15 330:16 <b>father's</b> 327:22 <b>fathered</b> 327:23 <b>fault</b> 279:21 280:2 <b>favor</b> 268:19 <b>favorably</b> 52:25 53:5 55:2,20 57:12 58:6 <b>february</b> 39:22,23 40:18 42:2 133:18 290:1 <b>federal</b> 316:17 <b>feel</b> 43:25 86:25 87:2 97:8 113:19 166:14 211:8 257:3 260:14 <b>feeling</b> 27:6 57:19 178:8 <b>feels</b> 66:10 <b>feet</b> 103:5 <b>felice</b> 14:21 15:1 <b>felice's</b> 14:22 <b>feliciano</b> 330:10 <b>fell</b> 205:18 207:4 328:25 <b>fellowships</b> 47:6 <b>felonies</b> 293:25 <b>felt</b> 55:22 57:13,15 58:5 94:18 100:3 132:23 158:13 166:6 170:11 171:21 176:10 186:20 231:5 249:1,8 254:14 256:21,24 261:24 281:3 327:4 350:6 <b>female</b> 23:9,10 35:11 47:10 48:1 52:24	<b>females</b> 58:5 <b>fictitious</b> 1:11 4:11 <b>fiddled</b> 297:22 <b>fifth</b> 344:18 <b>fight</b> 293:17 <b>figueroa</b> 174:25 175:6 179:16 182:12,18 183:10 <b>figure</b> 43:21,22 122:14 273:11 313:20 <b>figured</b> 47:24 260:21 <b>file</b> 2:19 74:16,17 75:3,9 77:15 288:2,15 289:18 291:11,17 <b>filed</b> 69:16 75:12 112:25 153:15 195:16,21 196:16 197:12,15,15,16 197:22 199:3,5,9 201:6 235:5,9 237:12 242:1 290:13 326:4 <b>filing</b> 239:2,9 247:13 <b>fill</b> 167:21 284:9 306:20 <b>filled</b> 294:14,14 320:18 <b>final</b> 248:19,20,20 <b>finally</b> 11:1 <b>financially</b> 149:14 356:15 357:11 <b>find</b> 24:6 72:14 152:20 156:3 163:13 173:24 185:7 312:18,23 313:1,23 314:5,11 314:14 315:24	326:25 <b>finding</b> 176:8 251:12 255:5 <b>findings</b> 250:25 <b>fine</b> 10:14 23:18 37:2,6 58:13 69:13 106:3 109:23 121:21,22 122:13 153:13,14 208:2,3 215:25 221:3 264:4 300:10 354:21 <b>finger</b> 131:19 <b>finish</b> 10:17 80:19 80:23 81:4 86:7 89:4 96:17,22,23 98:15 99:1 119:1 150:8 161:19 168:21,25 169:7 169:25 170:12,18 170:19 171:2 173:22 178:23 181:5 193:7,13 229:22,22 250:17 250:20 252:23 257:22 258:13,20 259:6 313:7 334:24 348:3 350:15 <b>finished</b> 10:6 89:6 119:15 169:2 193:9,11,12,12 217:16,17 259:10 259:14 342:18 343:17 355:5 <b>finishes</b> 224:4 <b>finishing</b> 180:1 <b>fire</b> 94:20,25 112:1 230:3 <b>fired</b> 94:14	<b>firm</b> 70:5,8 72:19 72:21 73:3 <b>firms</b> 72:18 <b>first</b> 5:21 14:7 17:4 18:8 19:5 20:20 21:21 23:11 23:15 24:2,12 27:6 39:19 49:10 61:16,21 70:12 71:22 72:2,3 73:15 83:3 85:19 98:23 106:22 107:8 123:16,16 129:10 154:2 159:4 164:7 177:12 189:22 191:2,19,19 194:11 195:14 196:12 199:2 200:13 202:9 217:8 223:25 224:16 228:21 237:7 240:21 242:9 246:12 254:5 290:14 299:21 310:16 313:17 315:7,14 318:17 320:6,9 352:14,19 <b>fit</b> 173:24 251:12 292:21 313:23 314:5 <b>fits</b> 317:21 <b>five</b> 16:12,17 21:12 22:25 27:24 28:1 31:21 71:7 122:18 167:17,18 198:17 245:12 301:15 323:2,7 328:4
--	--	--	---

Melissa Kaye

[fix - four]

Page 25

<b>fix</b> 232:4,8 233:18 234:1,11 236:4,5	<b>food</b> 274:12,21,24	347:4 349:5	172:4 173:15
<b>fixed</b> 232:6	<b>force</b> 175:7,20	<b>ford's</b> 56:10 66:21	175:21 178:1,15
<b>flags</b> 166:20	176:2,5 263:23,23	66:22 104:18	183:23 212:23
176:14	285:8 305:23,24	<b>foregoing</b> 5:9,12	231:14 235:13
<b>flare</b> 295:2	306:15	356:3,4 357:4	236:15 239:10
<b>flares</b> 20:18 21:3	<b>forced</b> 144:4 151:9	359:5	255:3 282:21
294:20	222:14 234:12	<b>foremost</b> 98:23	285:17 295:11,12
<b>flatfooted</b> 235:22	331:16	299:21 352:19	303:4 346:22
<b>flatly</b> 303:1	<b>ford</b> 1:8 2:11 4:9	<b>forensic</b> 45:10,20	<b>forma</b> 99:17
<b>floor</b> 51:8	9:3 26:22 39:5,9	49:24 50:1,3,5,10	<b>formal</b> 216:15
<b>flow</b> 210:18	39:20 42:5,10	51:13 53:18 54:17	248:9
230:15	44:8,20 45:13,18	59:6,7 90:11	<b>formally</b> 86:15
<b>fluctuations</b> 210:2	48:7 50:16 51:1	95:15 97:19	90:6 176:24
<b>fmla</b> 280:25 281:8	52:24 53:4,6,8,11	102:25 105:14	184:13,17 216:13
281:9 294:8,10,24	53:17,20 55:2,4,13	163:2 165:12	252:13
295:23 296:7,8,22	55:19,23 56:6,10	166:4 185:13	<b>formed</b> 177:24
298:13 299:16,25	56:11 57:3 58:1,6	191:18 201:3	<b>forms</b> 277:25
300:5,12 301:2,5,8	58:22 59:3,18	202:8,20,22 203:9	<b>forth</b> 200:4,4
301:24 302:1,2,2,8	61:15,18 75:6,21	204:11 208:6	<b>forty</b> 270:22
307:20 311:15	85:12,20 86:10,18	213:12 216:10	<b>forward</b> 51:21
<b>focused</b> 104:7	87:24 88:6,7	222:23 244:8,8	118:17,19 119:9
167:10 174:14	92:18 95:5 97:21	255:16 330:4	120:13 123:3
<b>folded</b> 113:12,22	99:7 100:3 102:2	340:19 349:15	204:9 225:2
<b>follow</b> 15:3 26:17	103:2 104:6,13,17	<b>forewarning</b>	257:24 281:25
27:21 48:21 87:20	108:14 111:13,21	164:21	<b>forwarded</b> 111:19
112:4 118:7	112:5,23 115:16	<b>forget</b> 158:9 254:3	331:9 351:5
129:23 137:16	117:23 118:2	<b>form</b> 13:19 15:2,6	<b>forwards</b> 108:24
139:3 157:8 169:9	153:5,10 163:3	16:7,13 21:14	226:25
170:10 171:6	168:5 184:12	22:2 27:8 31:16	<b>found</b> 77:12
189:20 254:2,3	187:9 190:20,23	37:22 38:19 44:14	176:13 242:4,4,5
259:4 272:22	191:5,8 207:16	62:3 69:18 70:18	251:5 274:25
308:10 309:10	208:4,8 212:3,11	78:22 88:3 95:2	280:21,21 290:1
<b>followed</b> 87:19,21	218:1 229:25	119:13 125:24	313:4 314:20
117:21 189:18	237:18,20,23	134:3,25 135:14	<b>foundation</b> 178:3
290:12 318:5	248:6 252:20	139:8 140:14	239:12
<b>following</b> 19:19	256:20 257:8,12	141:13 143:10,24	<b>four</b> 22:23 56:16
201:1 204:13	261:6 265:25	146:21 148:3	78:8 93:7 162:23
205:23	303:22 310:23	149:20 151:2,5,25	164:2 167:17
<b>follows</b> 5:23	311:2,3 329:18,19	152:22 154:24	206:3,6,14 263:2,3
	329:24 330:3	162:11,13 166:2	270:14,16 274:10
	331:9 335:6 346:5	166:15 171:25	300:23 311:10



Melissa Kaye

[fpecc - go]

Page 26

<b>fpecc</b> 216:10 244:8 244:8 247:24 249:19 264:14 265:6,18,18 <b>fragrance</b> 273:20 277:1 <b>fragranced</b> 274:1 <b>fraternal</b> 160:2,7 <b>fraud</b> 216:18 249:10 250:11 309:1,3 <b>fraught</b> 255:24 <b>free</b> 217:15 277:1 <b>freezing</b> 12:2 <b>frequent</b> 294:19 <b>frequently</b> 269:5 300:21 <b>friday</b> 291:1 298:23 <b>friendly</b> 250:24 <b>front</b> 6:20 7:5,8,16 305:17 319:6 <b>frustrating</b> 274:15 <b>fuck</b> 260:20 <b>full</b> 129:25 131:10 131:15,16,16 132:2,11 194:21 194:22 202:17 203:8 212:4,19 263:10,20 285:24 285:25 297:22 329:9 333:11 <b>fully</b> 265:24,25 271:13 281:1 <b>fun</b> 324:2 <b>functional</b> 82:16 240:10 265:21 <b>functioning</b> 207:12 <b>funded</b> 205:4	<b>funding</b> 190:3 207:4 <b>funeral</b> 330:17 <b>funky</b> 208:14 254:15 <b>furrowing</b> 317:12 <b>further</b> 221:14 224:4 228:22 351:7 356:13 357:9 <b>future</b> 26:5 121:9 <b>fwd</b> 350:22	87:1 88:25 98:6 100:24 101:2 113:24 119:4 126:4,6,11 131:10 131:15 136:3 149:4 168:15 173:7 174:24 184:20 187:25 188:16 219:5 231:2 234:8 240:14 244:22 245:8 251:10 263:4 279:2 282:14 283:24 291:2 301:12,15 307:2 310:18 311:17,24 312:11 332:8 337:25 340:2,2 348:15 <b>gi</b> 17:2,8,10 18:2,4 18:8 19:6,8,9,17 19:20 20:12 21:6 21:9 31:9,11,22 32:16 <b>gilbert</b> 182:15 <b>gillian</b> 102:16 <b>ginger</b> 181:15,19 <b>girl</b> 160:3 <b>girls</b> 158:4,8 <b>give</b> 10:4,8 13:11 18:15,24,25 53:22 69:16 72:5,6,6 87:4,25 88:20 91:19 92:24 94:1 118:3,4 168:7 173:21 188:3 189:6,10,13 195:1 218:2,12,15 233:23 252:12 290:9 297:7 303:20 304:24	305:20 306:23 330:15 331:8 349:21 352:23 <b>given</b> 69:15 82:1 86:18 91:3 93:5 94:16 158:3,19,20 158:24 175:15 186:1,22 188:24 208:7 243:4 244:23 248:11,16 248:23 293:19 303:2 307:11 359:9 <b>giving</b> 87:8,18 92:11 99:1 230:1 331:24 <b>glad</b> 47:8,8,11 <b>glare</b> 323:23 <b>gmail.com</b> 321:7 <b>go</b> 19:13 29:3 37:8 51:12,20 59:3 65:1,11 68:8 71:2 103:20 114:2 119:2 121:20,24 122:1,9 123:23 124:24 127:17 128:10 130:9 132:7,10 142:21 148:11 150:10 152:14 153:9 165:18 167:6,6 170:7,10,19 180:1 186:7 187:9 191:6 192:12 195:7,25 196:8,14 200:6 202:16 208:16,16 211:22,23 214:18 217:5,6 218:5 221:4 246:10 250:12 264:7 268:10 269:20
--	---	--	---

Melissa Kaye

[go - guess]

Page 27

270:11 276:11	164:22 165:5,6,15	316:16 317:15,15	149:17,24 150:23
280:23 283:9	165:16 167:5,6,7,8	318:8,18 321:10	151:18 154:20
290:7 293:18	167:8,20,25,25	322:15,19 323:9	<b>gradation</b> 64:11
295:14 297:8	168:2,3,7,18,22	323:11 325:7	<b>graduate</b> 158:16
306:4 310:3	169:6,9 170:3,5,6	329:1 330:17	<b>grand</b> 271:4
316:16 325:20	170:22 171:10	333:17,25 334:7	<b>grandfathered</b>
336:15 345:12,12	176:1 177:20	335:8,10 336:6,11	153:1 221:18
345:15 347:20	179:7 180:5 184:4	336:14,24,24	230:11 240:8
353:23,24,25	186:22,24,25	339:12 340:22,23	302:20
<b>goal</b> 186:1 305:24	191:11 193:6	341:11 344:5,6,19	<b>granted</b> 69:5,7
<b>goddess</b> 158:9	194:9,21 196:13	344:24 345:6	281:10 295:23
<b>goes</b> 151:12 156:7	196:23 198:7	346:10,11,13	299:9,10 302:16
258:1 313:11,15	200:2,11 205:3,4	350:8,12,13 353:4	305:6
341:5	210:19 216:24,24	353:8 354:25	<b>grata</b> 253:2
<b>going</b> 6:23 7:12	217:4,5,5,14 218:3	355:5	<b>gratuitously</b> 99:3
9:7 10:14 11:20	220:19 221:4	<b>good</b> 4:2 6:3,4	99:16 175:8
18:23,24 25:23	222:2 224:11,25	152:17 161:7	298:19
29:3 32:5 35:25	225:13,18 226:11	166:3,8 190:14	<b>great</b> 7:16 123:2
36:8,13,15,25 37:4	227:5 228:15,16	191:23 227:5	<b>greenfield</b> 235:4
39:5 52:20,21	229:4 230:11,12	317:13,14 326:5	<b>gregory</b> 14:21
53:9,11,23,23 54:1	230:15 236:2	343:10,13 344:16	<b>grievance</b> 288:2
55:8,8,11 57:18	239:22,25 240:8	345:18	289:18 291:17
63:13 65:9 67:12	242:19 245:4	<b>google</b> 121:3	<b>grievances</b> 290:13
69:10,11 70:22	246:11,24 247:1	<b>gosh</b> 267:21	<b>grieving</b> 331:7,8,8
71:24 72:2 75:21	248:8,15 249:10	<b>gotten</b> 187:11	<b>ground</b> 103:5,6
76:17 80:15 81:3	251:6 253:14	280:22 311:16	<b>group</b> 104:2 105:3
83:17 86:9 88:9	254:1,2 264:3	327:14,20 342:21	111:24 158:4
92:23 93:1,5	265:16 266:3,18	<b>gracie</b> 3:23 123:13	332:11
94:20 96:14,17,25	267:9,12,13	123:18,21,25	<b>groupwise</b> 63:6
97:8 104:8,23	268:18 271:25	124:5 126:6 128:8	<b>growing</b> 274:4
105:19,20,24	272:20,23 275:13	129:11,21 130:16	<b>guarantees</b> 246:24
106:19 118:16,19	277:12 279:11,25	130:17 132:13,13	<b>guess</b> 20:4 25:9
119:9 120:13	280:23 287:9	132:14,16 133:1,1	27:24 65:23 66:3
121:5,13,14	288:4,8,12,21	133:9,9,10,20,25	66:3 84:11 106:9
122:18 125:15	290:6,8 291:10	134:6,14,19,24	110:9 146:8
128:6,25 136:21	292:16 294:7,18	135:25 136:6,9,18	151:13 161:4
141:19 148:24	295:1 298:5,16,16	136:19 137:6,12	178:2 190:21
151:15 153:8,11	304:21,23 305:18	137:21 138:13,24	213:2 236:21,21
156:9,20,23,24	305:19,21 306:14	139:5 142:10	273:2,8 296:24
157:3 162:24	306:14,17,18,18	143:9,9,14 146:7	297:8 298:13
163:22 164:13,15	310:18 312:13	146:12 147:7	320:3 328:2

Melissa Kaye

[guess - half]

Page 28

337:25 338:17 <b>guessing</b> 135:1 <b>gyn</b> 28:7	101:10,14 102:13 103:15,19,22 104:15 105:18,20 105:23,24 106:5,9 106:13,17,21 107:1,6,8,17,20 108:1,8 109:15 110:3,12,16,19,24 111:4,12 116:16 117:1,13,16,17 118:11 119:1,13 119:17,21 120:15 122:14,20,23 123:5 125:24 126:25 127:13 134:3,7,16,21,25 135:14,20 137:2,7 137:13,18,23,25 138:1,5 139:1,8 140:14,18 141:13 141:23 142:15,18 143:10,24 144:14 145:17,19,21 146:21 148:3,20 149:20 150:6,10 151:2,5,25 152:22 154:24 155:5,19 155:23 156:4,6,9 156:14,20,23 157:2,9 159:15 160:25 161:9 162:13 166:2,15 168:20,24 169:2 169:10,13,15 170:8,9,12,17,18 170:25 171:12,17 171:25 172:3,4 173:15,22 175:21 178:1,9,15,22 179:5,9,12,25 180:3,10,14,19,21	181:2 183:1,3,23 185:17,24 188:7 189:8,15 190:25 191:4 192:14,16 192:22 193:1,7,11 194:13,17,20,24 195:10 196:14,20 196:25 197:7,14 197:20 198:1,4,11 198:14,18 207:24 209:25 210:4 212:23 213:6 215:15,16,18 216:1 219:16,18 219:20,23 220:1 220:10,19,25 221:5,8,10 222:3,8 223:18,23,25 224:8,10,13,16,18 224:21,23,25 225:8,15,17,20 226:12,17,19,21 227:1,7,12,16,17 227:18,19,21,23 228:6,8,11,15,21 228:24 229:21 231:7,14 232:22 235:13 236:15 238:17 239:10,14 239:18 241:10,24 242:12,14,24 245:7,21 246:13 250:13,15,17 254:6,7,12 255:3 255:13 257:6,21 257:25 258:5,9,12 258:13,25 259:3,6 259:9,11,13,16,19 259:22 260:5 262:10 264:15,19 265:8,15 277:20	277:25 282:21 285:17 288:4,10 288:16,20,24 289:1,2,6,15 291:14,20 292:2,8 292:19 293:1,3,6,9 295:7,9,10,25 297:13,19 298:7 299:17,19,21 303:4 313:7,11,15 315:2,6,10,12,13 316:1,4,5,9,11,12 316:18 318:10,16 318:22 319:1,4,8 319:14,17,21 320:2,22 322:2 323:3 324:24 325:5,21,23 327:13 330:1 332:23 333:4 336:23 337:13 338:9 339:12,17 339:19 340:5 341:14,19,22 342:2,11,14,16,19 342:25 343:2,18 343:19,25 344:3,8 344:11 345:1 346:22 349:14 350:11,18 351:6 351:11,17,23 352:2,10,12,14,17 352:19 353:7,13 353:15,15,16,20 353:25 354:8,20 355:9 <b>haganlawoffices...</b> 2:7 <b>hair</b> 274:4 <b>half</b> 77:7 131:24 132:4,4 211:3,20
---	--	---	--

Melissa Kaye

[half - hired]

Page 29

212:6 214:20,21 264:5 268:5 281:16 304:12 327:10 328:7,15 350:17 354:15 355:6 <b>hall</b> 103:8 104:1 347:18,19 <b>hand</b> 194:25 195:2 <b>handed</b> 244:14 348:20 <b>handing</b> 279:7 <b>handle</b> 154:3 262:21 <b>hands</b> 276:24 277:2 <b>handwritten</b> 322:7 <b>happen</b> 64:15,16 113:17 128:6 129:2 162:25 216:15 266:18 316:24 336:7 <b>happened</b> 19:25 59:19 92:14 107:9 121:6,10 128:5 133:19 153:15 164:20 176:16 195:11 210:11,11 215:9 223:6,8,12 223:15 226:25 227:7 247:5 296:5 297:3 298:20 299:14 311:9,10 319:19 336:5 <b>happening</b> 56:19 67:24 148:15 163:14 166:19 167:15 172:24 173:14 237:2 251:13 252:5	307:9 324:9 336:5 336:9 <b>happens</b> 205:15 <b>happy</b> 213:4 <b>harass</b> 293:6 343:11,15 353:1 <b>harassed</b> 293:16 323:15 327:4 <b>harassing</b> 293:9 <b>harassment</b> 192:2 193:20 305:1 <b>hard</b> 17:11,14 19:9 49:1,7 53:6 151:13,15 196:5 206:19 208:19 236:4 331:4 337:24 <b>hardcopies</b> 107:14 <b>hardcopy</b> 197:13 <b>hardship</b> 214:6 263:20 306:10 <b>harm</b> 338:18 341:25 342:19 343:3,22,24 <b>harmed</b> 338:21,23 338:23 339:23 341:6,7 <b>harmful</b> 305:8 324:15 330:5,5 <b>harper</b> 108:24 <b>hatred</b> 333:24 <b>hawing</b> 348:22 <b>head</b> 10:21 90:14 92:10 115:6 148:16 243:11 278:19 328:25 <b>heads</b> 53:22 241:7 <b>health</b> 1:7 2:10 4:8 9:2,4 29:5 34:17 34:18 48:3 96:3,6 113:18 166:13	184:8 249:23 250:4,5 322:12 334:14 358:1 359:1 <b>healthcare</b> 84:14 127:3 <b>hear</b> 6:16 9:18 11:7,19,21,22,23 12:5,14 14:17 26:8,13 37:25 54:21 154:17 200:10 226:6,7 227:22 236:2 347:5 <b>heard</b> 10:1 242:9 329:2 <b>hearing</b> 5:17 25:25 61:16,21 <b>hearsay</b> 223:17 315:21 316:5,12 <b>heart</b> 21:25 33:9 <b>heat</b> 11:14 12:2 26:10,12 <b>heater</b> 11:19 165:16 <b>heels</b> 111:25 266:2 <b>held</b> 78:18,19 82:14 142:2 205:7 <b>hellish</b> 262:7 <b>hello</b> 34:20 220:12 <b>help</b> 21:24 25:19 47:15,23,24 54:6 65:6 68:3 128:10 128:14 194:22 214:4 235:18 236:3 290:8 305:16 324:1 <b>helpful</b> 34:12,14 197:2 <b>helping</b> 213:23 272:12	<b>helps</b> 30:1 268:22 <b>hemming</b> 348:22 <b>herbal</b> 276:19 277:4 <b>hereto</b> 356:15 357:11 359:7 <b>hey</b> 136:7 <b>hhc</b> 48:3 50:3 62:8 62:11 76:11,12,13 80:5 87:13 113:6 120:6,17,25 185:1 189:25 190:1 218:25 233:14 234:13 279:19 287:12 294:4 302:8 309:2 325:12 333:18,25 335:19,25 336:2 <b>hi</b> 321:5,9 <b>hicks</b> 77:13,17 87:17 102:16,20 112:25 118:1,17 118:20 <b>hierarchal</b> 189:24 <b>high</b> 99:6 172:12 187:24 274:6 <b>higher</b> 59:24 209:14,17 234:18 234:18 <b>hijacking</b> 184:7 <b>hill</b> 271:3,4 <b>hipaa</b> 23:22 99:17 261:23 262:1 277:17 278:8 307:12,14 310:8 320:17 340:18 341:11 <b>hire</b> 99:24 208:17 209:3 <b>hired</b> 53:8,17 59:11 90:15,22
--	--	---	---

Melissa Kaye

**[hired - implement]**

Page 30

101:5,8 113:6 114:3,9 187:9 202:9,14 208:17 212:18,20 231:17 231:18 244:23 311:22 312:16,25 347:5,9 <b>hiring</b> 129:16 249:14 314:11 <b>history</b> 86:19 105:7 <b>hit</b> 133:2 190:8 221:19 246:15 329:2,10 <b>hiv</b> 334:15,20 <b>hmm</b> 10:24 45:21 106:5,13,17 109:9 110:3 111:4 123:5 137:18 157:9 179:9,12 198:1,18 239:18 319:4 320:22 325:11,13 329:20 344:20,22 350:18 <b>hnh</b> 202:1,2,2 338:19 <b>hobnobbing</b> 332:5 <b>hold</b> 52:14 57:2 101:3,3 132:20 150:11 193:4,4 231:8 252:15 265:8,9,9 279:19 307:14 333:17,25 334:8 341:9 <b>holding</b> 187:21 <b>holiday</b> 300:18 <b>holidays</b> 210:20 290:22 298:21,22 <b>hollis</b> 2:5 <b>home</b> 129:4 132:6 147:19,23 148:5	148:18 152:5,15 <b>homes</b> 148:25 155:13,14 <b>hone</b> 273:17 <b>honed</b> 273:16 <b>honest</b> 95:7 <b>hope</b> 235:12 <b>hoped</b> 236:3 <b>hopefully</b> 26:10 <b>hoping</b> 185:6 187:14 338:5 <b>horrible</b> 273:19 324:12 <b>hospital</b> 50:9 56:21 123:14 125:15 126:7 129:6 130:3,5 133:1,3 134:14,19 134:24 139:6 187:22 <b>hospitals</b> 1:7 2:11 4:8 9:2,4 48:4 113:18 133:4 358:1 359:1 <b>hostile</b> 272:4 345:3 <b>hostility</b> 94:16 230:4 <b>hour</b> 56:14 129:2 129:8 138:18 153:20,20,24 154:8,9,9 263:5,10 264:6 265:20 266:11 268:5,5 271:22 273:4,6 281:15,16,21 282:13,14,19 283:5,24 288:5,9 288:10 343:12 348:24 350:12,17 350:17 354:15,15	355:6 <b>hours</b> 56:20 122:20,23 128:16 128:17 129:1,3 131:8,23,25 132:4 134:5 140:6 152:19,24 153:21 169:7 199:17,17 264:8,10,11 282:13 283:23 284:2,3,5,6 285:12 288:11 296:7,11 304:12,13,14 340:6 350:12 354:8,12 <b>house</b> 7:7 8:22 127:19 128:20 129:3 138:17,19 265:14 270:23 <b>hss</b> 28:21 <b>huge</b> 246:15 <b>huh</b> 10:21,24 342:2 <b>human</b> 74:18,19 <b>humiliate</b> 306:25 <b>humiliated</b> 293:17 <b>humming</b> 26:13 <b>hundred</b> 84:18 <b>hungry</b> 329:23 <b>hurt</b> 188:16 328:25 339:6 <b>hurtful</b> 27:3 199:20,23 <b>husband's</b> 275:5 <b>hyper</b> 174:14 <b>hypersensitivity</b> 274:11 <b>hypocrisy</b> 331:19 <b>hypothetical</b> 117:14,18	<b>i</b> <b>i.e.</b> 118:4 <b>ibs</b> 345:4 <b>icon</b> 194:25 <b>idea</b> 166:4,8 271:16 294:6 296:14 <b>identification</b> 108:7 192:21 219:15 325:3 <b>identified</b> 107:24 273:24 <b>identify</b> 5:7 26:21 273:23 <b>iep</b> 69:7,8 70:22 <b>ig</b> 307:25 <b>ignore</b> 39:10 282:9 331:10 <b>ignored</b> 299:11 <b>illegitimately</b> 286:7 <b>illness</b> 11:7 21:2 273:4 274:16 275:23 294:16 <b>illogical</b> 335:6,13 <b>immediately</b> 83:17 246:9 <b>immune</b> 273:9 <b>immunologic</b> 273:14 274:22 <b>impact</b> 166:24 263:15 305:19 339:14 <b>impacted</b> 154:14 328:11 339:4,10 <b>impacts</b> 315:2 <b>impair</b> 12:14,17 <b>implausible</b> 347:24 <b>implement</b> 242:20
--	---	--	---



<b>implicated</b> 258:15 <b>implications</b> 258:18 <b>important</b> 10:5 345:24 <b>impossible</b> 273:1,5 <b>impression</b> 57:20 57:25 248:23 249:3 <b>improper</b> 291:18 353:17 <b>improve</b> 102:4 <b>improvement</b> 104:4 <b>inability</b> 189:5 <b>inactive</b> 201:15 <b>inadvertently</b> 60:12 <b>inappropriate</b> 174:16 <b>inappropriately</b> 176:25 330:6 <b>incapacitated</b> 261:25 <b>incarcerated</b> 51:25 <b>incarnation</b> 130:25 <b>incident</b> 95:8 193:21 205:15 278:22 328:24 <b>incidents</b> 58:17 <b>include</b> 28:5,12 172:13 <b>included</b> 93:13 115:9 233:25 243:20 <b>includes</b> 79:17 <b>including</b> 46:7 92:18 99:7 105:12 323:18	<b>income</b> 3:23,24 120:20 <b>incomplete</b> 201:8 <b>incorrect</b> 200:21 219:4 <b>incorrectly</b> 23:6 <b>increase</b> 64:20 77:9 78:13 190:24 206:1 234:11 <b>increased</b> 77:24 153:19 199:16 <b>incredibly</b> 326:10 <b>indicate</b> 91:12 <b>indicating</b> 319:7 320:10 <b>indication</b> 165:4 230:17 <b>indirectly</b> 172:10 <b>individual</b> 51:25 262:18 328:18 <b>individualized</b> 69:1 <b>individually</b> 338:20 <b>individuals</b> 26:21 27:2 177:3 181:12 249:17 261:25 <b>infantilized</b> 249:1 256:25 <b>infantisized</b> 256:21 <b>infiltration</b> 172:16 <b>inflict</b> 275:14 <b>influence</b> 174:10 <b>influenced</b> 174:11 250:25 251:10 <b>inform</b> 111:23 235:21,25 266:17 333:13,14,14 <b>informally</b> 112:21	<b>information</b> 46:7 62:16 145:8 200:14 206:18 219:4 287:16 295:5 297:5,7 307:5 309:23 310:1,19 311:14 320:16 326:14 334:16 <b>informed</b> 97:18 162:8 164:3,16 247:19 314:3 325:9 333:9 <b>infrequent</b> 147:25 <b>infrequently</b> 51:11 <b>inhibitor</b> 32:11 <b>inhibitors</b> 32:1 <b>initially</b> 205:25 213:8 294:13 <b>initiated</b> 104:25 <b>injure</b> 35:2 <b>injury</b> 328:25 <b>inmate</b> 314:19 <b>inmates</b> 51:13 <b>inpatient</b> 49:22 50:1 51:22 54:11 56:11,18,24 185:12 187:8,24 208:5 <b>insane</b> 323:25 <b>inserting</b> 110:19 <b>inside</b> 182:4 <b>insinuating</b> 192:17 <b>insisted</b> 88:12,13 227:20,23 <b>install</b> 281:18 284:20,24 285:3 <b>installed</b> 284:14 <b>installing</b> 284:16 284:19,21	<b>instance</b> 290:14 <b>institution</b> 95:25 120:25 <b>instruct</b> 18:23 <b>instructed</b> 3:14 <b>insurance</b> 126:9 126:17,18 135:12 <b>integrity</b> 167:9 174:8 <b>intended</b> 1:11 4:11 4:24 <b>intense</b> 175:15 276:18 <b>intensely</b> 300:20 <b>intentional</b> 234:4 <b>intentionally</b> 282:17 283:20 346:1 <b>interact</b> 303:19 <b>interacted</b> 303:14 <b>interacting</b> 61:20 62:7,11 100:10,11 <b>interaction</b> 61:14 <b>interactions</b> 175:3 <b>interest</b> 173:13 248:8 254:16 <b>interested</b> 18:6 109:3,6,19 117:5 146:15 186:15 230:8 314:24,24 356:15 357:12 <b>interfere</b> 177:18 <b>interfered</b> 152:20 174:20,21 <b>interference</b> 173:9 173:13,18 <b>interfering</b> 11:21 173:4 176:24 <b>interim</b> 90:10 <b>intermediary</b> 280:2
--	---	---	---

Melissa Kaye

[internal - job]

Page 32

<b>internal</b> 75:3 79:9 104:2,21	<b>invoked</b> 258:18	278:14,16,18	260:22 261:4
<b>internally</b> 112:22	<b>involved</b> 27:12	280:5,11,12	265:23 272:8,25
<b>internet</b> 9:19	45:2 62:17,20	287:23 293:21	280:19,20,24,25
<b>internist</b> 17:5	65:6 85:22,23	317:21 332:18	281:19 283:2,8,21
28:21	92:16 95:9 96:3	<b>issued</b> 96:9	303:21 305:25
<b>interpret</b> 215:24	98:7 126:15,19	<b>issues</b> 18:5,9 20:12	310:7 311:6,18
<b>interpreted</b> 205:5	163:1 164:21	31:9,12,23 47:18	312:2 317:3,4
<b>interrupt</b> 54:9	172:9 249:4,14	52:1,5,9,9,15	330:23 332:14
86:3 182:16	253:17 278:24	71:23 73:16 86:12	346:5,6 347:3
293:12 324:4	335:25 336:2	87:13 95:16 99:11	349:5,23
<b>interrupted</b> 81:9	338:8	104:25 125:1,20	<b>jain's</b> 332:14
<b>interrupting</b>	<b>involvement</b>	127:25 128:25	<b>james</b> 181:15,19
225:19 313:16	173:25	149:1 232:17	<b>january</b> 22:22
315:16	<b>iota</b> 305:20	237:21 250:22	99:8 108:19
<b>intersection</b> 96:7	<b>ironically</b> 328:20	255:5 266:9	132:25 145:2
<b>interval</b> 294:19	<b>irregularities</b>	275:22 306:11	261:23 262:3
<b>interview</b> 213:10	33:16 290:3	317:18 329:7	284:22 321:4
310:3 315:1	<b>irrelevant</b> 293:22	334:14	322:8
316:25	293:25	<b>it'd</b> 47:12 247:2	<b>jd</b> 53:3 207:11
<b>interviewed</b>	<b>irritable</b> 20:17,21	279:1	<b>jeckel</b> 181:20
145:11 213:11,16	21:5 345:5	<b>it'll</b> 26:10 165:18	<b>jeff</b> 182:2 316:25
312:2,3,3,7 314:2	<b>ish</b> 280:24 308:2	195:1 196:17	350:23 351:16,17
314:9	<b>island</b> 114:21,23	<b>italian</b> 23:19	351:18,21,23
<b>interviewing</b>	114:25 205:14	318:25	352:4
212:21 213:3,4	312:19,24 313:2	<b>italy</b> 25:1	<b>jeremy</b> 42:4 59:1,5
312:2,4	314:7,15	<b>itching</b> 275:20	61:22 62:12 64:3
<b>intimidate</b> 343:11	<b>isolate</b> 251:25	<b>j</b>	90:7 100:6 102:16
<b>introduce</b> 320:7	<b>issue</b> 21:25 45:1,2	<b>j</b> 85:15 159:22	108:14 162:4,7
<b>intrusion</b> 172:22	45:3,5,7,9,12	<b>jacobey</b> 357:2,15	175:2 182:6
174:16	58:21,22,23 59:9	<b>jaffe</b> 274:24	183:25 184:20
<b>investigated</b>	59:15 61:13,19,24	<b>jail</b> 51:15	246:20,20
309:13	65:2,6 95:13	<b>jain</b> 1:9 2:12 4:10	<b>jessica</b> 86:13
<b>investment</b> 174:15	97:16,18,21,24	9:3 26:23 39:8,9	153:10 220:7
<b>invitation</b> 104:13	98:18 99:3,3,4	85:15,20 86:10	237:24 238:4
104:16,17	100:3 112:15	153:5,16 184:13	239:20
<b>invited</b> 102:10	113:15,16 115:24	213:9,23 216:3,7,8	<b>jewish</b> 290:22
103:10,11 104:7,9	116:12 117:21	216:20 235:9,12	298:21,22
109:14 110:7,11	119:9 120:5	237:12,20 244:10	<b>jlc</b> 1:8
<b>invoice</b> 320:20	184:24 232:5,9	244:10,14 247:17	<b>job</b> 1:23 54:25
	243:15 271:14	247:19,25 248:19	82:3,4 91:4 92:7
	277:3,11 278:13	252:19,22 253:11	92:11 94:13 98:21

Melissa Kaye

[job - kind]

Page 33

120:23 124:20 127:10 132:24 148:24 167:2,13 176:12 186:1 187:9 188:14 202:7 204:11 208:7 209:5 220:18 231:2 232:25 246:16 252:7 267:1 293:22,25 306:20 311:24 312:17 313:1 314:4,14 315:1,24 327:5 340:15 345:18,19 345:25 <b>john</b> 95:22 177:5,7 334:8 <b>join</b> 104:14 105:3 <b>joint</b> 15:12 35:10 <b>jonathan</b> 1:10 2:12 4:10 9:3 26:22 92:18 216:25 220:7 236:9 237:25 238:4,9 239:20,21 247:21 262:18 282:18 283:16 297:22 298:1 327:24 328:2,7,14 328:22,24 <b>jpc</b> 1:8 <b>judge</b> 95:22,24,25 96:6,10 98:6 176:1 181:22,23 181:24,24,25 182:14,15 215:1 225:4 279:9,10 333:17,25 334:6,7 334:8,12 335:18 335:20 336:8,8,10	336:10 341:16 <b>judges</b> 95:21,21 178:18 181:22 212:15 249:17 279:3,4,5 345:21 <b>judgment</b> 111:3 <b>judicial</b> 280:14 335:22 <b>judiciously</b> 343:16 <b>judith</b> 96:10 181:23 <b>july</b> 15:17,19,20 28:20 86:16 90:9 216:15 220:14 237:8 247:19 248:3 281:20 284:22 308:2 <b>june</b> 237:7 245:6 247:18 248:2 <b>jurisdiction</b> 200:5 200:9 <b>justice</b> 173:6 331:23 340:10,12 340:13	157:21,22 158:3 158:18,19,21,21 159:4,5 161:17 169:2,16,18,21 170:3 171:2,8 172:7 178:24 179:19 193:5,15 194:22 199:7 215:22 216:3 218:10 220:1,7,8 221:11,13 224:1,9 224:21 225:1,22 226:21 227:9,15 228:1,17 258:13 258:17,20,21 259:5,21 260:2 264:23 273:2 288:15,23 289:18 292:17 293:14 295:14 299:25 301:24 316:2,6,9 316:13,20 320:18 321:2,12 339:13 339:21 340:22 343:12,14,15 344:13 350:20 352:4,14,16,21,23 353:3,9,20 354:12 355:1 358:1,2,24 359:1,2,4,12 <b>kaye's</b> 109:20 155:6 172:5 180:15 215:19 332:25 343:3 <b>keep</b> 25:24,25 26:14 109:6,19 186:19 208:19 209:4 220:19 228:15,16 265:16 293:11 301:8 302:21 313:16	<b>kelly</b> 181:20,21 <b>kept</b> 48:15 88:6,10 154:1 230:12 239:22 279:21 290:6 305:22 306:4,21,24 307:2 307:8 317:14 347:15 <b>kevin</b> 303:10 <b>kicked</b> 283:10,12 <b>kid</b> 275:12 280:22 <b>kids</b> 25:14 40:4 43:23 68:4 71:4 149:1,5 152:15 153:23 188:15 266:8,9 268:23 269:9,14 270:23 272:11 306:10 331:4 332:7 338:2 338:4 <b>kill</b> 264:7 <b>killing</b> 272:16 306:8 <b>kim</b> 16:22,25 17:4 19:6 21:6,9 22:19 22:20 31:10 <b>kind</b> 7:17 27:14 48:5,14,19,25 49:11 51:17 54:7 55:6 77:12 87:18 88:16 94:8,10,11 102:22 122:4,9 128:21 135:23 136:2,12,18 147:25 158:13 163:11 164:14,20 166:6,18 168:6 172:12,13,14,17 185:6 186:10,16 187:14,15 208:14 215:4 246:23
	<b>k</b>		
	<b>k</b> 49:17 <b>k000035</b> 219:12 <b>kaye</b> 1:4,17 2:2 4:7,7 5:13,14,14 5:20 6:3 7:21 8:8 8:17 9:4 18:21 19:5 20:4 25:23 35:24 37:16 45:16 71:19 80:23 81:4 81:10 86:3 89:7 96:11,13,24 98:13 98:18 105:25 106:19 107:23 108:21 114:7 119:11 123:7 157:13,13,20,20		



Melissa Kaye

[kind - l]

Page 34

249:1,22 250:23 251:24 273:20 274:2,22 275:17 287:3,13 303:8,21 306:2 308:25,25 311:25 320:3 327:19 328:24 330:25 331:22,22 349:23 352:20 <b>kinds</b> 177:16 334:20 <b>kings</b> 231:19 <b>knew</b> 105:7,10,11 105:12 168:15 226:4 254:15 266:2 273:1 283:5 283:6 284:21 294:17 305:22 327:22 <b>knock</b> 346:7 <b>know</b> 6:18 7:1,19 8:24 10:10,12 17:20 18:11,17,19 18:23,25 19:1 20:3,5,22,22,23 22:17 23:15 24:6 30:12,12 32:5,9,15 34:14,22 36:11 40:24 41:4 42:18 43:3,4,8,20,21,24 44:2,3,4 46:9,13 46:25 47:15 48:19 48:20,22,25 49:1,2 49:4,9,10,11,15,20 50:15 51:20 52:14 53:22,23 54:4,21 55:1 56:8,11,18,20 59:4,23 60:7,23 61:1,8,12 62:4,10 62:12,16,17 63:1,3 64:6,7 65:9,24	66:4,10 68:11 70:7,23 72:3 73:18 75:12,14 77:6 79:16,19 80:9 81:1,18 82:12,14 83:1,9,25 84:3,7,11 85:5 86:23,25 87:4,8,14 88:15,19,22,23 89:24 90:4,7,20 91:2,7 92:6,7,24 93:22,25 94:4,5,7 95:6,8,16,21 96:9 98:3,11 99:2,5,15 100:8,14,14,18 102:5 104:3,4,4,19 105:6,7,12 107:12 109:2,7,21,24 110:2 112:13,22 115:19 120:19,22 126:25 127:1,23 128:1,7,9 129:1,1 129:4,7 130:9,19 130:24 131:19 132:9,18 133:5 134:9 136:9,23 138:12 143:16 147:18 149:3,5 150:1 151:6,12,16 152:13,14,16 153:13,13,22,24 155:11,13 162:22 163:8,10,14,14 164:10 166:6 167:5,7,11,14,15 167:20,21,25 168:14,15 169:15 172:13 173:1 175:3,16,25 176:2 176:9 177:12,17 179:14,21,22	181:1,4,8 182:12 183:20 184:5,6,7 186:11,13,20,24 187:1,17,18 188:14,15,18 189:3 190:10 191:16,17,22 192:5 194:20 195:8,14,15,18 196:1,2,4,22,24 199:1,15 202:5 206:15,24,24 207:22 208:2,3,16 208:19 209:2,12 209:15 211:9,10 213:10,20 221:13 223:5,7,11,13 227:15 230:9,9 232:4 233:12,14 234:4,13 236:1 237:3,24 240:5,14 241:11 242:2 243:10,13,13,19 243:19 244:1,2,18 244:21 245:9 247:8 248:20,21 249:7,8,9 250:21 252:9 253:22 254:22 257:4,13 257:20 258:3 260:5,8,9 261:9 262:12 263:5,9,13 264:23 265:4,22 265:23 266:12,20 267:22 269:15,16 269:21 270:8,9,15 270:18 271:14,23 271:24 272:15,18 273:3,12,13,16 274:1,2,9 275:13 275:17,23 276:18	277:3,7 278:19 279:1,11 281:21 282:1 287:2 288:12 290:4,19 296:6,16 297:4 298:13,14,14,25 299:14 302:4,13 303:21 304:4,12 305:24 306:9,15 306:21 307:17 308:4,25 309:2,4,9 309:15 311:9,20 312:2,7,8,16 313:10 315:5,10 315:20 317:4,14 317:21 318:2 324:7 327:2,17,23 328:5,11 329:2,5 332:10 334:4,16 335:4,8,9,12 338:5 338:25 340:12,14 340:23 341:1,4,6,6 341:7,10 344:14 349:8 350:6 351:3 351:13,22 352:6,9 355:4 <b>knowing</b> 18:7 86:19 272:1 <b>knowledge</b> 96:8 223:15 356:10 357:6 <b>knowledgeable</b> 96:5 <b>known</b> 157:19,22 248:5 343:7 <b>knows</b> 8:2 103:16 223:14 299:22 <b>I</b> <b>I</b> 13:25 14:24 23:7 32:7 73:8,11 157:17 177:8
---	---	---	--

257:2 <b>label</b> 249:21 <b>labeled</b> 249:24 296:16 <b>labor</b> 290:24 299:2 <b>laboy</b> 86:13 153:10 170:5 191:20 217:20 220:7,12 222:1 226:8 229:4 230:8 237:24 238:4,15 238:20 239:20 <b>lack</b> 113:1 <b>ladies</b> 259:25 <b>lakeisha</b> 102:17 206:23 207:9,20 282:6 323:18,23 <b>lakeisha's</b> 308:20 308:22 <b>lanolin</b> 273:21 <b>laptop</b> 8:10,14,19 8:20 <b>largest</b> 84:12 <b>lasted</b> 354:12 <b>late</b> 27:11 285:3 308:4 <b>law</b> 2:4,14 9:1 72:17,19,20 96:7 181:23 182:14 184:8 203:10 306:19 314:18,24 315:2,4 320:21 334:13 <b>law.nyc.gov</b> 2:17 <b>laws</b> 5:1 <b>lawsuit</b> 65:21 68:10 69:16 211:10 329:6 339:24	<b>lawyer</b> 11:2 72:15 99:10,11 120:21 120:22 175:13 176:12 251:10 336:2 <b>lawyer's</b> 344:18 <b>lawyers</b> 146:24 212:16 249:16 250:24 <b>layered</b> 250:22 <b>lead</b> 122:12 <b>leader</b> 165:21 <b>leadership</b> 92:17 165:21 230:24,25 246:23 312:5 347:3 <b>leads</b> 100:21 <b>leaned</b> 281:25 <b>leaning</b> 103:2 <b>learn</b> 22:6 46:3 62:5,20 176:20 240:21 246:5 326:14 <b>learned</b> 74:9,15 75:2,16 76:5,25 77:1,22 80:8,12 161:23 162:2 166:10 177:23 223:13 241:5,15 326:12 <b>learning</b> 51:1 58:20 62:19 <b>leave</b> 91:6,19 92:2 214:5 281:8,9 285:11,25 286:1,3 286:7 291:6,7 294:8,10 296:9,10 296:22 298:16 299:5,7,10,16 300:1,7,14,16,24 301:5 305:1,13,14	309:6 <b>leaving</b> 56:23 57:20,22 91:9 306:22 <b>led</b> 21:25 61:17 72:11 75:24 76:23 98:20 260:9,10 261:20 <b>lee</b> 280:21 294:14 294:25 300:2,19 <b>leery</b> 230:7 <b>left</b> 41:16 59:3 82:10 86:22 102:22 131:19 214:24 222:25 270:23 286:5 288:5,17 289:16 327:24,24 <b>legal</b> 44:15 75:15 97:19 144:4,13 174:9 175:6,14 176:10 177:19 178:17 181:25 184:9 212:11 248:7 251:25 255:16,20 256:7 257:14 258:17 262:1 267:6 279:19 336:4 <b>legitimate</b> 97:17 <b>length</b> 88:6,11 354:18 <b>letter</b> 3:10 235:1 319:7 320:10,15 <b>letting</b> 132:5 214:17 279:24 <b>level</b> 77:24,24 78:17 201:17,24 <b>levels</b> 77:23 99:18 <b>levy</b> 72:24 73:6,8 73:10 74:5 75:25	76:24 234:24 <b>lex</b> 270:16 <b>lexington</b> 270:12 <b>license</b> 201:12,13 342:11,20 343:4,5 <b>licensed</b> 25:1 <b>licensing</b> 201:11 <b>licensure</b> 25:4 201:12 <b>licensures</b> 201:1 <b>lieb</b> 96:10,10 181:23,23 336:10 <b>lieb's</b> 181:23 <b>lied</b> 105:8 330:12 <b>life</b> 120:19 154:14 154:18 263:15 274:7 277:14 317:22 322:18 329:4 <b>lifting</b> 269:17 <b>lights</b> 345:12 <b>line</b> 3:9,15 47:2,4 48:10 59:24,25 60:6 63:11,11,13 63:21,25,25 64:9 76:7,14,14 78:17 78:24,24,24,25,25 79:1,1,3,8,9,17,18 79:22 80:4,16 85:10 150:9 167:22 185:1,7,11 185:12,16,19,22 186:2,6,7,21 187:3 187:5,13 188:4,25 189:6,11,19 190:1 190:18 218:16 219:4,6 220:8,14 220:16 221:16,24 222:2,18,21,24 223:2,3 227:10 229:5,12,14,19,20
--	---	---	---

Melissa Kaye

[line - macdonald]

Page 36

230:1,18 231:3,13 231:16,19,22,22 231:24 232:8,10 233:2,8,22 234:6,9 266:21 358:4,7,10 358:13,16,19 <b>lines</b> 76:7 77:1,9 77:23 78:16 79:4 79:12,20,20 185:1 185:3,3,4,6 202:6 219:5 233:13 234:2,8 <b>linked</b> 43:13 78:3 82:17 <b>lip</b> 87:18 <b>lipitor</b> 29:17,21 30:2,4,8,19 31:5 33:6,7,8,10 <b>lips</b> 317:11 <b>list</b> 221:20 261:13 <b>listing</b> 221:15 <b>lists</b> 201:10 <b>litany</b> 240:1 296:17 <b>literally</b> 105:4 337:15 <b>litigation</b> 68:14 69:4 70:16 71:23 72:12 73:16 337:7 <b>little</b> 26:1,11 77:21 122:10 132:18,25 142:3 161:21 163:12 196:11 215:11 254:15 267:10 269:6 279:25 304:3 347:19 <b>live</b> 160:8,22 <b>lived</b> 128:9 129:5 160:12	<b>lives</b> 153:25 263:16 <b>living</b> 94:7 160:12 160:18 270:6 <b>lloyd</b> 177:10 <b>load</b> 130:12 132:4 132:11 <b>locally</b> 21:8 <b>located</b> 6:5,12 14:10 <b>location</b> 1:20 153:8 <b>locked</b> 186:16,18 <b>logistics</b> 173:18 <b>long</b> 10:14 15:14 24:15 30:4 32:20 35:17 87:12 123:18 124:3 146:23 148:1 160:12 168:10 187:21 202:13 206:25 263:7,11 270:5,6 310:17 <b>longer</b> 32:18 63:3 63:3 120:12 129:21 130:7 133:16 218:4 242:2 284:8 <b>longevity</b> 113:5,7 113:10,11,18,19 113:22,25 115:9 233:24 240:9 290:19 <b>longitudinal</b> 54:6 <b>longstanding</b> 80:13 113:12 232:4,8 <b>lonnie</b> 182:15 <b>look</b> 42:11 48:15 59:18 61:25 62:2 63:7 79:12 105:21	105:25 106:22,23 107:10,23 115:11 118:22 142:24 190:16 195:22 219:17,20,23 220:2,3 221:10 280:25 282:8 285:8 317:13,13 318:16,19 321:2 323:9,9 350:20 <b>looked</b> 38:4 46:9 62:24 65:25 66:1 66:2,8,11,12 254:20 255:5 266:21 282:11 <b>looking</b> 39:4 47:19 107:17 115:19 187:8,15 248:8 321:10,14,21 326:23 327:6 347:23 348:19 <b>looks</b> 103:5,6 122:11 150:20 322:7,8 325:8 326:5 329:18 350:22 <b>loop</b> 27:22 109:6 109:20 <b>loophole</b> 313:3 <b>lori</b> 46:17,22 <b>lorraine</b> 182:1 <b>lose</b> 87:4 88:25 186:25 <b>losing</b> 98:21 <b>loss</b> 91:23,23 <b>lot</b> 25:13 56:9 70:23,24 85:25 87:18 91:16 97:9 145:8 152:17 166:4 185:8 190:2 208:13 209:12,15	215:5 222:13 237:17 251:16 267:3 272:16 281:13 285:15 287:1,6 292:9 321:10 322:15 330:4 354:16,17 <b>louder</b> 26:1 <b>louise</b> 212:6 <b>love</b> 191:19 330:7 <b>loved</b> 345:18 <b>lower</b> 45:24 113:16,17 <b>lucy</b> 336:1 <b>lunch</b> 121:15 123:1 153:20 154:3,4,9 262:22 262:23 263:5,6,8 263:11 281:16,22 282:14 283:6 284:7 <b>lurched</b> 281:22 <b>lure</b> 230:3 <b>luxury</b> 228:2,2 263:11 <b>lying</b> 282:2
<b>m</b>			
<b>m</b> 3:20 90:16 <b>m.d.</b> 42:4 46:2 90:16 92:21 93:5 202:23 233:14 274:18 <b>m.d.'s</b> 233:17 <b>ma'am</b> 97:22 199:22 219:22,22 343:19 <b>mac</b> 195:9,10 <b>macdonald</b> 26:23 248:1 252:18 303:24			

Melissa Kaye

[magistrate - medical]

Page 37

<b>magistrate</b> 341:16	221:24 222:2,21	<b>marginalizing</b>	139:1 145:24,24
<b>main</b> 348:18	223:3 226:11,22	230:5	147:6,17 149:24
<b>maintain</b> 167:9	227:9,10,10 229:5	<b>marina</b> 321:9	155:12,12 158:20
<b>maker</b> 345:10	229:12,14,18	<b>mark</b> 109:18,21	167:1 171:24
<b>making</b> 42:20 99:8	230:1,18 231:3,13	157:7 342:10,12	172:21 176:11
102:8 149:2,7	231:16,19,22	343:12 344:6	188:9 189:18
167:10 215:2	264:13,22,22,25	350:12	193:23 196:24
222:13 233:7,24	<b>managers</b> 154:12	<b>marked</b> 108:6	197:11 203:23
315:16 348:23	<b>manhattan</b> 50:5,9	192:20 194:10	208:16 214:2
349:17 354:21	52:3 60:5 90:5,8	219:14 325:2	217:2 232:11
<b>male</b> 23:8 44:23	90:10,14,24 93:8	<b>marks</b> 109:16,24	236:13 240:11
45:1,25 46:1 47:1	108:16 114:4	<b>married</b> 159:11,13	241:11 244:21
48:2 52:25 59:17	167:19 175:12	327:25 332:4	248:19 254:9
59:20,22 60:1,4	187:10 207:22	<b>mary</b> 48:16 60:20	261:2 263:21
80:6 86:25 89:1	208:18 209:11,13	164:13 172:11	267:7,18 270:15
93:7 112:16,18,19	219:9 222:16,17	182:7 184:19	270:18 273:22
112:20 117:8	222:22 263:2,14	<b>masturbatory</b>	274:4 302:8 322:1
120:18 167:18	291:22,24 297:8	330:9	322:16 323:18
182:10 217:11	314:9 323:22	<b>match</b> 327:20	324:13 330:23
234:14,17 263:3	328:20	<b>material</b> 320:12	331:10 332:6,14
332:8	<b>manipulate</b> 184:9	<b>matter</b> 4:7 38:24	332:16,17,17
<b>man</b> 304:3 332:4	<b>manipulated</b>	69:24 86:11 121:7	338:1,3 339:3,13
<b>manage</b> 39:5,20	265:19	239:24 315:3,6,15	340:1,14 341:4
44:9 53:9,12 55:8	<b>manner</b> 5:2 120:7	316:7,8 329:22	342:7 345:17
55:8,11 334:5	166:17 171:23	335:5	352:25 353:1
<b>managed</b> 103:25	175:5 247:21	<b>matters</b> 53:25	<b>meaning</b> 74:17
<b>management</b>	334:3	69:21 96:6 121:7	233:10 281:11
26:20 41:7,8,12	<b>mansion</b> 132:13	281:14 318:13	<b>means</b> 5:3 82:17
86:1 94:12 246:23	143:9	<b>matthew</b> 297:25	121:5,6 149:22
289:3 303:20	<b>mantra</b> 239:22	<b>mayor's</b> 166:22	225:5 229:10
350:22,24 351:1,2	<b>manufacture</b>	173:25	257:3,4
351:4,10 352:5	340:11	<b>mayors</b> 173:5	<b>meant</b> 125:13,16
<b>manager</b> 207:11	<b>manufacturing</b>	<b>mckelvey</b> 182:1	172:8 173:10
222:20	312:12	<b>mean</b> 27:11 38:6	249:12
<b>managerial</b> 92:4	<b>marazzo</b> 303:11	44:2 45:17 65:19	<b>meat</b> 200:11
93:20 94:8 98:22	304:6	65:20,25 80:25	<b>mediated</b> 274:12
110:10 111:10	<b>march</b> 133:18	85:20,22 88:24	<b>mediator</b> 344:17
115:13,23 116:12	322:21 323:6,11	96:5 97:24 99:10	<b>medical</b> 11:6
117:6,11 118:9	<b>margaret</b> 21:20	104:3 105:4	16:20 20:22 21:11
188:25 217:22	<b>marginalized</b>	112:10 127:4	27:22,24 51:14,18
218:5 220:23	101:2 299:11	129:3,12 132:3,13	60:2 98:8,10

Melissa Kaye

[medical - misled]

Page 38

100:12 101:6 124:25 125:17 127:3 131:20 133:7 135:5 136:8 142:25 200:18,22 200:22 204:10 208:7 239:1 240:22 242:2,17 243:14 244:24 274:16 275:8 280:1 290:7,9 301:6 302:1,3,5 303:3 318:20 319:23 320:4 332:19 333:12,13 333:16 334:17 335:2 342:11,20 343:4,4 <b>medically</b> 51:16 <b>medication</b> 12:13 12:16 29:12,19 31:14,22 33:2,20 33:25 34:6 <b>medications</b> 31:10 31:11 34:12,13 127:22,23 142:24 142:25 143:4 <b>medicine</b> 18:2 19:17 34:25 201:12,14 274:20 274:23 275:9,15 275:16 276:3,16 331:21 <b>meet</b> 52:2 53:19 59:11 88:14 283:14 286:17 306:1 328:22,23 <b>meeting</b> 59:14 64:6,7 67:9 87:14 88:11,13,14 99:14 100:23 101:25	102:15,19,20,21 132:8,8 168:23 216:9,11,20 217:19 237:15,19 244:7,10 247:24 247:25 248:4,18 249:6 252:24 253:8,10 257:12 258:10 260:7,22 260:23 261:7,12 261:23 283:20 286:23 287:8,24 305:25 311:6,18 322:23 331:15,17 <b>meetings</b> 85:24 92:17 164:1 167:16 192:6 211:22,23 238:19 <b>melania</b> 51:4 <b>melanie</b> 49:15 50:15 52:23 <b>melissa</b> 1:4,17 2:2 4:6,7 5:14,20 157:13,20,21,22 158:3,21 159:4 220:8 321:7,11 358:2,24 359:2,4 359:12 <b>melissakayemd</b> 321:7 <b>member</b> 68:7 83:10 84:22 89:10 90:21,25 91:20 92:8 286:20 305:2 305:4 <b>members</b> 68:5 83:25 <b>memorialized</b> 255:1 <b>memory</b> 112:12	<b>mental</b> 29:5 96:3,6 184:7 249:23 250:4,5 334:13,13 <b>mentality</b> 49:1 <b>mention</b> 335:10 <b>mentioned</b> 28:17 39:19 99:14 226:21 227:9 280:19,24 292:4 <b>merged</b> 78:9 <b>merits</b> 354:23 <b>mess</b> 312:14 <b>message</b> 40:1 43:6 43:6,14 162:16 309:6 <b>messages</b> 6:24 42:12 <b>messing</b> 281:4 <b>met</b> 61:18 63:9 64:25 88:6,7,11 143:14,15,18,23 163:8 238:4,8,14 253:11 283:15 317:19 318:4 327:25 328:19 329:15 343:8 <b>methodist</b> 133:5 <b>mexico</b> 1:21 6:13 6:14 14:10 160:12 160:13,19 343:5 <b>mh</b> 59:4 <b>micromanagement</b> 174:1,5,13 <b>microwave</b> 345:10 <b>mid</b> 17:5 278:23 <b>middle</b> 131:12 154:9,10 157:14 158:19,21 159:4,5 159:6 282:11 <b>miguel</b> 174:25 175:6 179:16	182:11,18 183:9 <b>mill</b> 333:23 <b>mind</b> 56:11 116:18 155:12 172:16 246:4 <b>mine</b> 97:21,24 194:21 299:1 <b>minimize</b> 107:18 195:6 <b>minor</b> 68:24 <b>minus</b> 83:8 <b>minute</b> 71:8 122:19 154:3,4 165:19 198:17 262:21,22 281:16 281:21 283:6 284:7 301:15 <b>minutes</b> 121:19 122:21,24 153:20 153:23 154:10 161:9 263:22 264:1 268:15,19 270:7,19,22 289:15 354:9,12 <b>minutia</b> 173:25 <b>miscategorized</b> 211:8 <b>mischaracterizes</b> 172:1,5 188:8 189:9 191:1 210:5 223:19 332:24,25 <b>mischaracterizing</b> 183:3 191:9 322:3 <b>misdeemeanor</b> 313:4 314:20 <b>misdeemeanors</b> 312:19 314:6,18 <b>misinformation</b> 334:1 <b>misled</b> 234:3
---	---	---	---



Melissa Kaye

[misrepresentation - name]

Page 39

<b>misrepresentation</b> 249:11	<b>modification</b> 303:2	128:12 143:16 256:6	<b>moving</b> 48:23 78:17 193:10 259:8
<b>misrepresented</b> 113:4	<b>modified</b> 69:6,7	<b>moore</b> 95:22	<b>mucking</b> 323:13
<b>missed</b> 224:14 315:11 316:10	<b>modify</b> 70:22	181:24 334:8	<b>mullan</b> 212:6,19
<b>missing</b> 342:15	<b>modifying</b> 69:5	335:18,20 336:10	<b>multiple</b> 35:19 92:17 193:18
<b>misstatement</b> 333:22	<b>mom</b> 153:22 327:25	<b>morgenthau</b> 95:23 334:11	231:1 252:2 279:4 336:9 344:4
<b>mistake</b> 46:5,10	<b>moment</b> 11:14 116:20	<b>morning</b> 4:2 6:3,5 6:19 34:17 56:15	<b>mundy</b> 90:15,17 90:21 108:25
<b>mistaken</b> 82:16 267:24	<b>mommy</b> 271:24,24	56:22 152:14	109:5,18 114:3
<b>mistakenly</b> 257:10	<b>monday</b> 1:18 212:8	153:19 161:23	115:3,10 119:11
<b>mistruths</b> 246:4	<b>monetary</b> 339:13 339:20	188:23 217:21	222:12 226:5
<b>misunderstood</b> 146:6	<b>money</b> 99:24 149:2,6 284:1	263:24 264:2	231:1,4,16 233:10
<b>misuse</b> 261:23	297:4 332:5	266:7,8 268:18,23	244:11,21 249:2
<b>mitigate</b> 94:8	<b>monies</b> 230:14	269:1,2 271:8,17	253:1 260:7 307:1
<b>mitigation</b> 251:16	<b>monitor</b> 346:15 348:7	271:18 275:11	310:19,25 311:8
<b>mm</b> 10:24 45:21 106:5,13,17 109:9	<b>monitoring</b> 346:19 350:3,7	276:4,9 278:17	311:23 312:3,6,22
110:3 111:4 123:5	<b>monkey</b> 298:15	279:15	313:10,22 314:9
137:18 157:9	<b>month</b> 77:6,7 140:12,20,25,25	<b>mornings</b> 152:13 212:8	314:25 315:22
179:9,12 198:1,18	141:4,9 150:22	<b>mother</b> 188:14 317:23 331:8	316:13,14,20
239:18 319:4	206:4,6 227:7	<b>motherboard</b> 287:11	317:5 318:6
320:22 325:11,13	309:12	<b>motion</b> 111:2	<b>mundy's</b> 226:14 244:19 311:8,21
329:20 344:20,22	<b>monthly</b> 150:2 205:23	<b>motions</b> 330:24	<b>myles</b> 208:19,23 208:24
350:18	<b>months</b> 62:14 63:3 63:4 207:1,1,1	<b>motivated</b> 44:10	<b>n</b>
<b>moa</b> 168:4,7	211:2 225:13	<b>motivation</b> 98:21	<b>n</b> 2:1 3:1,20 4:1 32:7 73:8 85:16
<b>mocj</b> 103:25 104:22 173:5	226:25 290:8	<b>move</b> 43:9 51:21 52:20 81:7 101:12	90:16 157:24
177:10 346:3	323:2,7	123:3 156:21	158:22 257:2,2
<b>mocked</b> 192:6	<b>montoya</b> 182:1	169:8 191:11	<b>nail</b> 275:24
<b>mocking</b> 323:17 345:14	<b>mood</b> 334:19	193:6 229:5,13,17	<b>name</b> 4:2,12 8:24 13:21 14:19,22
<b>modality</b> 338:14	<b>moonlighter</b> 138:16	229:18 250:19	21:18 23:3,4,12,16
<b>model</b> 129:19,22 130:13,15 135:22	<b>moonlighting</b> 124:17 127:9,15	257:23 277:12	28:10 46:17 60:4
135:24		318:8 346:12	70:4,5 72:20
<b>modern</b> 102:7		350:8 353:2,4	84:25 85:14 104:5
		<b>moved</b> 81:16 90:1 175:12 208:5	104:20 126:22
		229:11,20 264:1	155:14 157:13,14

Melissa Kaye

[name - notify]

Page 40

157:20,21,25 158:3,8,8,17,18,19 158:20,21,22,24 159:1,1,5,5,6 177:12,12 181:18 182:13 208:22 303:10 309:8,15 321:9 347:13 <b>name's</b> 23:4 <b>named</b> 1:13 27:25 95:20 158:21 338:20 <b>names</b> 1:10 4:10 28:20 33:12 81:15 81:18 135:9,10 155:12 158:5,11 159:21 183:11 209:2,6 <b>nate</b> 283:15 286:16 <b>naturally</b> 166:20 <b>nature</b> 294:16 <b>navigate</b> 107:14 <b>near</b> 64:18 90:2 189:23 <b>nebulous</b> 115:15 118:1 229:25 <b>necessarily</b> 239:15 <b>necessary</b> 359:6 <b>need</b> 10:15 11:15 11:15 19:22 26:3 39:25 42:11 61:12 89:4 96:14 105:20 105:24 106:4,9,11 106:16 119:23,23 121:23 122:2,8,10 133:11,13 150:10 150:11 156:2,21 171:5,5 176:3 188:16 195:25 214:16 215:11	223:11 224:19 227:4,16,19 229:21 234:11 257:23,24 263:21 267:17,18 268:7 271:21 288:8,13 306:21 327:3 334:24 336:20,21 352:25 <b>needed</b> 72:14 120:25 128:10 149:22 166:7 233:22 266:22 268:14,16 274:14 284:24 304:14 305:18 326:11 327:3 337:3 <b>needs</b> 8:3 80:19 96:21 120:24 250:17,18 257:25 258:13 343:2 <b>negative</b> 272:3 324:15 <b>negatively</b> 340:25 <b>neglected</b> 214:14 <b>negotiated</b> 152:25 154:7 <b>negotiating</b> 94:7 <b>negotiations</b> 117:21 154:4 <b>neither</b> 87:21 356:11 357:7 <b>neomycin</b> 273:21 <b>nervous</b> 348:22 <b>neurology</b> 201:3 <b>neutral</b> 97:25 174:2,17 249:19 251:9 <b>neutrally</b> 257:17 <b>never</b> 6:16 48:24 61:15 77:15 86:19	87:19 96:14,17 104:12 117:21 118:14,14,18,23 120:6,7 130:11,14 188:11 189:9,18 211:13,13,25 217:22 218:19 230:17 246:14 248:11,21,22,24 254:14,15 282:10 286:10 287:3 297:5 301:10 303:22,22,23,23 303:24 305:6,7 319:11 327:22 329:2 330:18,21 330:22 331:15 333:25 343:25 <b>new</b> 1:2,7,21 2:6 2:10,14,16,16 4:8 4:16 6:6,13,14 8:25 9:1,6 14:10 68:19,22 72:14 82:6,8 90:15 105:14 123:14 130:5 133:3 156:3 160:12,13,14,19 161:2 172:18 201:13 231:17 235:17 241:18 244:22 255:7 313:3,3 314:19 326:10 327:24 343:5 356:21 358:1 359:1 <b>newly</b> 231:17,18 <b>news</b> 328:9 <b>newton</b> 335:25 <b>nice</b> 263:11 323:19 330:15	<b>nickname</b> 158:25 159:6,7,10 <b>nicolas</b> 330:10 <b>nicole</b> 70:2,4 <b>niece</b> 328:24 <b>nine</b> 153:21 199:17 264:7,11 265:20 282:19 304:14 <b>nlr</b> 291:15 <b>nod</b> 10:21 <b>noise</b> 42:20 <b>noisy</b> 165:16 <b>non</b> 99:10,11 154:6 172:8,16 173:10 220:23 221:23 231:22 253:2 264:22 323:13 <b>normal</b> 284:5 300:8 349:19 <b>normally</b> 269:8 283:12 <b>notary</b> 1:22 4:15 356:1,20 359:13 359:19 <b>note</b> 109:16 125:2 125:5,6,21 155:5 170:25 320:13 322:8 <b>noted</b> 359:7 <b>notes</b> 114:7 322:9 349:18 <b>nothing's</b> 168:2 230:11 239:25 <b>notification</b> 19:16 <b>notified</b> 162:21,22 327:10 336:18 354:11 <b>notify</b> 162:12
--	--	---	---

Melissa Kaye

[november - office]

Page 41

<b>november</b> 1:18 4:13 24:5,11 88:13 261:8 331:16 <b>number</b> 109:25 113:13 139:19 210:15 220:22 221:4,22 228:11 253:3 284:3 308:25 309:1,2 319:6 321:8 322:20 326:3 336:18 <b>numbers</b> 107:25 210:16 219:12 312:11 <b>numerous</b> 91:3 95:9,9 261:7 <b>nurse</b> 28:5,7 <b>nurse's</b> 43:23 <b>nurses</b> 128:4 <b>nursing</b> 147:19,23 148:5,18,24 152:5 155:13,14 <b>nyc</b> 107:25 108:9 <b>nyp</b> 129:25 130:3 130:4 133:3 135:24,25 136:1 136:14,16,17,20 <b>nypd</b> 130:2 <b>nyu</b> 185:3,6,11,16 185:19,22 186:7	<b>objected</b> 100:16 155:6 <b>objection</b> 4:19 5:17 6:8 7:9 8:15 11:8 12:10,23 13:19 14:15 15:2 15:6,10,16,23 16:7 16:13 17:1 18:10 20:14 21:14 22:2 22:14 27:8 29:9 29:14 30:21 31:16 33:22 34:1,7 37:18,22 38:7,19 39:1 41:2,18 42:7 42:21 44:14 47:21 50:20 52:16 54:19 55:14,21 58:8 62:3 65:4,17 66:19 67:5,10,22 68:17 69:9,18 70:6,18 71:24 72:13,22 73:22 74:7,12,20 75:5,18 76:1 78:22 82:25 83:12,20 84:10,15 85:4 88:3 89:25 91:22 92:5,13 93:21 95:2 101:10 102:13 103:15,19 104:15 110:12,16 111:12 117:1,13 117:17 118:11 119:13 120:15 125:24 127:13 134:3,7,16,21,25 135:14,20 137:7 137:23 138:2,7 139:1,2,8 140:14 140:18 141:13 142:15,18 143:10 143:24 144:14	145:17,21 146:21 148:3,20 149:20 151:2,5,25 152:22 154:24 156:4,7 159:15 160:25 162:13 166:2,15 171:12,25 172:4 173:15 175:21 178:1,9,15,22 183:23 185:17,24 188:7 189:8,8,15 190:25 207:24 209:25 210:4 212:23 213:6 215:15,18 222:3 223:18 226:12 229:21 231:7,14 232:22 235:13 236:15 238:17 239:10 241:10,24 242:12,14,24 245:7,21 246:13 254:12,12 255:3 255:13 262:10 264:15,15,19 282:21 285:17 291:14,20 292:2,8 292:19 295:7,10 295:11,25 297:13 297:19 298:7 303:4 323:3 327:13 330:1 332:23,23 336:23 338:9 345:1 346:22 349:14 351:6 <b>objections</b> 100:19 <b>objective</b> 97:25 173:10 174:2 249:20	<b>obligation</b> 335:19 <b>observation</b> 54:6 <b>obsessed</b> 312:10 <b>obtained</b> 38:11 <b>obvious</b> 49:2,3,3 160:4 349:17 <b>obviously</b> 334:15 <b>occasion</b> 329:15 <b>occur</b> 35:17 <b>occurred</b> 20:8 164:7 <b>occurring</b> 177:22 <b>october</b> 72:9 214:2 214:13 215:7 216:5 272:14 306:1 311:7 <b>offender</b> 96:1 334:10 <b>offensive</b> 317:6 <b>offer</b> 94:19 <b>offered</b> 91:4 110:9 111:10 115:12,15 117:12,14,18 185:16,19,22 214:18,19 217:21 217:22,25 330:21 <b>office</b> 43:24 50:24 51:3,4 61:2,5 62:7 62:8,11,14,17,20 64:12 75:10,13 99:7 102:1,21,22 166:23 173:6,25 176:7,12 179:14 181:13 182:11 190:9 214:24 262:24 282:6 283:11,13 287:12 291:22,25 293:18 297:9,25 306:3,4,6 308:8,9,14,19,21 308:22,22 320:16
<b>o</b>			
<b>o</b> 3:20 4:1 23:7 34:23 66:16 157:17 177:8 <b>oath</b> 9:10 226:9 <b>oaths</b> 4:16 <b>object</b> 110:17 245:4 339:12			



Melissa Kaye

[office - okay]

Page 42

347:7,14,18 348:5 348:17,18 349:18 350:5,5 <b>officer</b> 136:9 356:2 <b>offices</b> 2:4 130:10 <b>official</b> 89:17 94:17 104:5 237:1 237:5 <b>officially</b> 325:10 <b>oh</b> 10:4 47:7 48:22 57:2 61:11 98:14 119:17 121:4 130:4 138:7 152:11 160:4 213:17 229:13 256:2 263:1 298:1 335:7 337:16,17 347:22,22 <b>ointments</b> 275:16 <b>okay</b> 6:14 7:8 8:5 8:12,20,23 9:8,10 9:13,18,22,23,25 10:2,4,6,10,20,24 11:6,25,25 12:3,6 12:21 13:10,16 14:4,19,25 15:14 16:2,5 17:9,25 18:3,6 19:11,14,21 19:23 20:2,11,25 21:4,7,10 22:6 23:8,11,15,18,21 23:24 24:15,19,21 25:3,7,21,22 26:1 27:1,5 28:11,17,17 28:18,24 29:3,3,11 29:18 31:2,4,7,9 31:14 32:8,10,18 32:20 33:7,14 34:5,13 35:2,5,14 35:17 36:18 37:14	38:13,17,24 39:17 39:24 40:22 41:15 42:2,10,14 43:15 43:15,25 44:6,6,13 45:15 46:14,21 49:19 50:13,18 51:4,7,9 52:5,20 54:13,17,24 55:1 55:12,18 56:2,7,12 57:6,10,10,17,21 58:4,12,12,20 59:8 59:20 60:7,15,17 60:23 61:1,4,17,23 62:1,19 64:2,4,17 64:25 66:6 67:3,8 68:5 69:8 70:10 70:15 71:2,9 72:8 72:11,20 73:9,20 74:3,9,15,23 75:9 75:24 76:22 77:21 78:16 79:7,24 80:15 81:23,25 82:4,8,12,24 83:6 83:16,23 84:3,7,17 84:19 85:2,9 87:23 89:24 90:4 90:13,20 91:7,9,12 92:10 93:15,18 100:25 101:3,4,22 101:22 104:12 108:23 109:13 110:4,6 111:1,11 112:2,14,14 114:2 114:6,15,20,20 115:2,2,12,17,22 116:2,4 117:11 118:25 119:7 120:11 121:12,15 121:17,19 122:3 122:13 123:23 124:3,5,13 125:3	126:4,10,22 127:6 127:8 128:16 129:9 130:4,6,18 132:12,17,19,20 132:22 133:15,20 134:5,13,18,23 135:8,19 136:5,21 137:11 138:8,8,21 140:6,10 141:5 142:11,17 143:7 143:21 144:19 145:6,15,23 146:15,18 147:2 147:10 148:2,8,13 148:17 149:9,16 150:19 151:18,23 152:4,18 154:17 155:4,7,18 157:19 157:23 158:7,23 158:23,23 159:3 159:13,21 160:4 160:11,18 161:4,6 161:11 162:2,9,18 162:20 163:18 164:5,9,22 165:6,9 165:14,17,18,25 166:10 171:20 176:18 177:1 178:13 179:19 181:14 184:11,22 186:23 187:25 188:22 194:2,7,16 195:12,20,20,23 196:8,11,12 197:20,25 199:21 200:12,21,25 201:16 202:2,9,13 202:16,24 203:3,6 203:16,22,25 204:7,13,18 207:2 207:7,14,18	208:24 209:7,19 210:8,13 211:1,5,5 214:9 215:4 217:4 217:4,7 218:6 220:10,19 221:15 221:21 228:7,19 228:19,20,24 232:2 233:6 234:20,22 235:8 236:24 238:3,8,8 238:14,19,24 239:6,16 241:2 242:22 243:1,7,10 243:16,21 244:12 244:16,19,24,24 245:2,20,22 246:8 247:12 251:4,21 252:10 254:1,22 255:9,9,19,25,25 256:10,18 257:1 257:11 260:18 261:14,14 262:8 265:13,16 267:9 267:16,25 268:3 268:10 269:10 270:1,5,17,22 271:6,12,16 276:1 276:15 277:9,12 278:20 279:11 280:18 281:8 284:11,12,17 285:2,7,10 286:1,9 287:17 288:2,4,4 290:16 291:11,17 291:24 292:4 294:1,12 295:18 295:22 299:9,13 300:4,22,22 301:4 301:11,16,22 302:6,10,12,15,18 302:22,25 303:17
--	--	---	---

Melissa Kaye

[okay - page]

Page 43

304:7,16 307:3,3 307:10 310:3,6,15 311:12,19 313:6 314:1,8,16 316:23 317:2,8 318:8,18 319:22 321:17,20 321:22 322:19 324:11,17,23 325:14,19 326:12 326:20 327:8 329:12,16 332:2 334:23 336:14,14 336:14 337:7 338:24 339:9 341:9 344:5,21 346:10,10,12 349:6 350:2,8,8,18 351:19 353:2 <b>old</b> 63:7 159:23 304:3,4 332:5 <b>older</b> 209:2 328:4 <b>olds</b> 293:23 <b>once</b> 88:6,7,11 140:12,19,25 141:4,9 150:22 166:10 175:25 212:2 255:4,5 256:18 270:25 295:23 <b>one's</b> 196:19,23 <b>ones</b> 32:2 158:10 <b>ongoing</b> 28:16 104:22 145:7 167:16 278:18 291:8 <b>online</b> 254:19 <b>op</b> 28:25 <b>open</b> 102:24 164:21 166:18 235:16 264:3 268:13,15 269:13	269:14 271:13 <b>opened</b> 222:25 <b>openly</b> 99:19 <b>operated</b> 166:22 <b>operating</b> 211:24 <b>operational</b> 265:21 <b>operative</b> 197:9 <b>operatives</b> 173:4 177:9,10 <b>opinion</b> 45:5 99:10 99:11 143:5 177:25 248:12 324:14 335:1,3,7,9 335:11,12 <b>opportunity</b> 105:21,25 106:1 169:21 195:16,18 199:8,10 219:17 220:2 224:2,22 225:1,8 248:11,16 259:14 <b>opposed</b> 335:13 <b>opposite</b> 212:13 230:19 <b>opposition</b> 111:2 <b>optics</b> 173:2 312:14 340:11 <b>option</b> 195:1 246:20 <b>options</b> 133:16 190:17 <b>oranges</b> 232:12,16 <b>order</b> 8:10 36:4,17 118:4 126:12 172:12 175:7,8,20 176:1,2,2,5 215:12 251:1 270:2 278:15 285:8 313:24 315:24 351:10	<b>ordered</b> 51:19 174:3 177:18 203:9 204:16 250:5,7 251:19 334:9,14 335:18 <b>ordering</b> 98:3,4 251:17 <b>orders</b> 39:15 98:7 203:10 279:3,4,23 280:14 <b>organization</b> 139:17 <b>organize</b> 164:6 <b>organized</b> 163:20 <b>orient</b> 132:21 <b>original</b> 163:19 <b>originally</b> 215:6 <b>orthodontic</b> 186:17 <b>ostensibly</b> 56:14 56:15 94:19 262:20 <b>outcome</b> 174:15 174:21,22 356:16 357:12 <b>outer</b> 133:6 <b>outpatient</b> 132:9 <b>outside</b> 4:18 132:8 143:19 148:24 155:10 167:2 203:16 345:25 <b>outsourcing</b> 255:24 <b>overlap</b> 52:13 <b>overlaps</b> 50:22 <b>overly</b> 250:24 296:18 <b>overnight</b> 124:16 127:9,15 128:21 129:13 138:17	<b>oversaw</b> 50:9 114:21 <b>oversee</b> 50:4 90:5 114:3,9 <b>overseeing</b> 114:12 114:15 <b>oversight</b> 89:13 152:18 163:22 164:23 165:7 166:1,11,13 <b>overtime</b> 121:20 <b>ow</b> 114:17 <b>owen</b> 114:19 119:11 163:6 166:5 231:19 233:11 244:4,11 244:12 251:7 253:1,16,16 256:23 257:12 260:7 310:20,23 311:4,25 312:8,15 314:2,8,10,25 315:23 <b>owen's</b> 243:22 248:23 <b>owns</b> 136:18
<b>p</b>			
<b>p</b> 2:1,1 4:1 66:16 177:8 <b>p.m.</b> 150:13,16 161:12,14 198:19 198:22 245:13,16 289:10,13 301:17 301:20 346:16 354:3,6 355:12,15 <b>page</b> 3:2,6,15,21 196:15 319:2,6 320:9,9,14,24 322:20 358:4,7,10 358:13,16,19			

<b>pages</b> 198:15,15 320:13	<b>paragraph</b> 200:25 201:9,23 217:9 221:4,22 272:23 344:14	209:2 211:10 212:5 213:24 217:8 222:23 234:5 263:3,7 293:19 298:2 312:4,16,25 315:7 315:13 326:20	126:2,9 127:25 128:3,5 129:18,18 129:21,23,24 130:9 131:7 132:7 133:13 136:8 140:3,5 142:9 330:6,6,8
<b>paid</b> 45:24 46:4,25 47:2,9,11 48:12 51:1 58:20 59:17 59:21 60:8 62:22 64:21 74:10,16 75:2,16 78:12 87:1 88:25 112:16 120:12,17,23 125:23 126:1,4,6 126:12,16 131:10 131:15 135:8,11 135:19 136:3,23 138:20 141:5,6 144:16,21,25 217:11 233:9,17 249:19 251:8 284:11 285:23 286:1 292:5,11,18 292:25 293:5,14 294:3,5 298:23 332:8	<b>parameters</b> 252:1 <b>paraphrase</b> 260:12 <b>parent</b> 136:1 <b>parents</b> 68:7 158:20 <b>parity</b> 49:12 59:15 61:7 86:12 87:13 88:19,20,24 89:9 113:1 115:19,23 118:4 120:5 153:5 190:6,8 192:1 218:3,7,13,13 229:14,19 232:5,9 234:23 235:1 237:13,21,23 240:13 262:5 <b>parole</b> 206:3,6 207:5 <b>parolee</b> 205:6 206:14 209:22 <b>parolees</b> 204:25 205:10,12,17,18 205:24 210:7 <b>part</b> 35:18 38:14 47:17 54:10 60:5 60:8 76:11 79:14 84:5,8 90:23 93:7 94:11 96:2 102:7 103:3 111:24 113:8,23 126:19 137:16 138:1,6 167:17,18 176:11 184:24 186:7,11 186:14 202:7,7,10 202:13,14,15 206:15 208:13,14	<b>partial</b> 221:19 302:24 <b>partially</b> 300:15 <b>participate</b> 102:10 105:15 108:17 109:14 142:22 <b>participating</b> 27:2 32:6 112:5,6 <b>particular</b> 26:21 38:17 46:15 102:2 177:2 213:11 <b>particularly</b> 251:7 317:5 <b>parties</b> 4:17,20 200:10 343:8 354:11 356:12,14 357:8,11 <b>partner</b> 70:3 <b>partner's</b> 70:4 <b>parts</b> 188:10 265:15 <b>partying</b> 253:18 <b>passed</b> 77:5,12,12 87:16 103:7 328:21 <b>patch</b> 273:15 <b>paternal</b> 160:2 <b>path</b> 52:22 <b>patient</b> 124:24 125:20 130:12 132:4 142:21 <b>patients</b> 19:18,18 49:25 51:24 125:16,16,19	<b>patricia</b> 1:9 2:11 4:9 9:3 26:23 <b>patsos</b> 66:13 <b>patsy</b> 92:18 99:6 99:21 175:1 177:4 245:25 262:17 283:9 286:20 312:1 <b>paucity</b> 133:13 <b>paula</b> 318:25 <b>paulina</b> 23:13,14 <b>pawns</b> 267:6 <b>pay</b> 47:17,17 49:12 59:9,14 61:7,19 64:10,11 64:11,13,18,23 76:19,19 78:3,5,6 79:22 80:6,13 82:17 86:12,22 87:3,9,12 88:19,20 88:23 89:9 94:7 94:19,24 105:9 112:14,19 113:1,5 113:7,9,11,19,19 113:22,24,25,25 114:1 115:9,19,23 118:4,5 119:8 120:3,5 121:4,8 125:13 136:15,19 153:5 188:6 190:6 190:8,12 192:1,3,3 217:10 218:3,7,13 218:13 229:14,19 230:15 232:4,8

Melissa Kaye

[pay - physician]

Page 45

233:13,16,23,24 234:11,23 235:1 237:13,20,23 240:9,13 262:5 277:17 278:6 281:16 282:14 283:24 285:11,12 285:23 286:11 287:14 289:19,20 290:15,20,21 291:2,3 292:5 296:24 297:21 298:6,20,20 304:1 307:15,15 310:8 <b>paycheck</b> 136:22 285:24,25 298:24 <b>paying</b> 48:1 59:25 126:8 136:2 149:6 234:18 <b>payroll</b> 237:6,7 285:14 287:24 290:2 296:20 299:2 <b>paystubs</b> 3:22 155:17 <b>pc</b> 126:20 127:2 195:9 <b>pcs</b> 127:7 136:3 142:9 <b>pediatrician</b> 274:19 <b>pending</b> 9:5 11:2 93:4 220:14 <b>penn</b> 209:15 <b>pennsylvania</b> 200:19,23,24 201:14 <b>pension</b> 120:18 246:15 286:12 290:2	<b>pentagon</b> 328:21 <b>people</b> 49:4 67:23 68:3 95:20 99:6 99:20 102:21 104:7,8 113:14 164:21 166:6,19 167:8 173:24 177:17,19 181:3 182:1,17,23 183:11 185:14 187:19 188:15 193:24 209:4 214:19 237:17,18 240:18 241:18 245:5 247:9 248:9 269:8 298:19 303:13 306:25 307:4,20 312:2,18 312:23 313:1,23 314:5,15 323:18 324:3,9 331:14 333:23 334:17 <b>people's</b> 219:5 243:18 244:17 <b>percent</b> 84:18 205:25 308:24 <b>perform</b> 145:15 146:19 147:11 151:19,23 <b>performed</b> 141:12 <b>performing</b> 125:10,22 134:11 134:14,19,24 149:17 203:15,17 <b>period</b> 40:25 54:2 65:21 143:25 148:1 155:17 184:16 247:6 269:1,3 <b>periodic</b> 52:9 294:20	<b>periodically</b> 48:20 124:19 278:19 297:3 <b>periods</b> 210:23,23 291:3 298:21 <b>permanent</b> 252:25 <b>permissible</b> 215:23 <b>permission</b> 245:10 <b>permitted</b> 4:24 233:1 <b>perpetuating</b> 216:18 <b>person</b> 64:5 67:4 118:15 162:10 163:8,17 212:4,6 213:11 268:17,21 303:9,11 304:5 309:5,7,11 327:21 327:22,23 328:10 328:14 330:15 <b>person's</b> 309:8 <b>persona</b> 253:2 <b>personal</b> 97:21,23 97:24 154:18 223:15 307:5 311:14 <b>personally</b> 149:14 <b>personhood</b> 158:14 <b>persons</b> 1:11 4:11 <b>pertain</b> 167:3 243:15 <b>pertaining</b> 125:1 <b>pervasive</b> 48:1,3,5 <b>perverted</b> 340:10 <b>peter</b> 16:22,24 <b>petition</b> 350:16 <b>petitioned</b> 294:2 <b>petty</b> 296:16	<b>ph</b> 70:2 102:16,16 102:17 177:10,11 177:13 181:20,21 182:15 212:20 217:3 262:23 283:15 297:25 303:11,12 323:21 327:15 335:25 336:1 341:17 <b>pharmacologic</b> 148:12 <b>pharmacology</b> 147:23 <b>phased</b> 130:22 131:1 135:22 185:2 <b>phaseout</b> 130:20 <b>phasing</b> 135:24 <b>phd</b> 92:22 <b>phone</b> 6:19 7:5,7 7:13 8:8,21 42:15 42:20,23 43:2,7,13 67:6 100:12 118:15 163:9 215:2 245:9 303:8 303:15 308:19 321:7 347:17 <b>phrase</b> 44:9,10 <b>physical</b> 15:21 16:2 25:15 28:12 28:13,14,18 34:25 <b>physician</b> 19:15 47:2,5 48:11 59:24 60:6 63:14 63:16,16,17,22,22 76:15,20 78:19,20 79:2 80:2,7 86:24 92:22 93:5,7 113:21 167:22 187:4,12 188:3,24 189:10,19 201:24
--	--	---	---

Melissa Kaye

[physician - potency]

Page 46

202:4 208:10 218:16 219:7 233:22 234:10 243:14 <b>physicians</b> 48:2,2 95:10 <b>pick</b> 122:4,7,9 <b>picked</b> 230:4 <b>picking</b> 40:3 217:1 <b>picture</b> 329:18 <b>pictures</b> 42:22,23 <b>pills</b> 276:19 <b>pilot</b> 312:9,9 <b>pin</b> 215:12 <b>pinning</b> 21:22 <b>pinpoint</b> 17:11,15 19:7 <b>pit</b> 324:7,13 <b>pitch</b> 272:11 <b>place</b> 139:6 <b>plague</b> 306:2 <b>plaintiff</b> 1:5 2:2 4:7 5:12,15 68:10 68:12 219:11 239:14 <b>plaintiff's</b> 192:22 <b>plan</b> 69:2 162:23 163:10,19 164:11 350:22,24 351:1,2 351:4,10 352:5 354:21 <b>planning</b> 142:23 142:23 167:13 323:6 <b>plate</b> 329:9 <b>played</b> 97:13 <b>player</b> 177:11 214:23 296:18 <b>pleading</b> 203:12 249:22 250:1	<b>please</b> 5:7 9:16,18 9:20,22 10:10,12 10:23 13:24 14:23 17:12 18:12,21 23:5 24:25 25:24 25:25 26:3 32:4 37:8 43:11 49:16 58:14 63:18 66:14 80:20 86:6 97:10 101:16 105:22 106:6 109:6,19 116:19 117:15 119:24 132:22 133:22 137:14 139:3 144:23 156:25 157:7,16 162:6 168:24 169:14,25 170:9 170:14,18,25 172:2 173:21 174:11 179:25 180:12 181:5 191:10 193:1,14 196:11 198:6 201:19 206:8 215:17 216:1 219:16,19,24 220:25 221:6 223:23 224:3,23 225:17,18 226:19 227:13,17 228:6 228:11 229:22 232:23 238:10 243:2 250:13,16 254:6,7 258:11 259:24 264:17 265:9,9 287:18 288:7 289:8,22 291:4,10 292:14 309:17 313:13 316:3 325:15	331:8 337:17 342:17,22,25 349:10 352:18 353:23,24 <b>plenty</b> 171:4 299:14 <b>plethora</b> 213:20 <b>ploy</b> 94:20 <b>plus</b> 83:8 274:13 <b>point</b> 18:4 63:8 99:18 100:11 123:9 124:14,17 131:3 157:22 183:6,8 187:6 204:7,13 221:19 228:4 246:9 265:19 297:9,15 319:8 329:16 340:6 344:23 348:21 <b>pointer</b> 131:19 <b>points</b> 331:24 <b>policies</b> 294:4,6 <b>policy</b> 216:17 248:1,5,9 251:15 253:13 254:9,10 255:1 256:19 257:20 258:15,19 260:3,24 261:10 261:17,20 262:4 277:19 278:7 308:16 310:13 <b>political</b> 166:22 173:2,2,10 174:19 177:10 <b>politician</b> 329:22 <b>politicizing</b> 166:23 <b>politics</b> 290:5 <b>pool</b> 249:17,18 251:24	<b>poorly</b> 25:12 26:18,19 50:16 55:13 <b>population</b> 205:9 256:11 <b>port</b> 209:14 <b>portion</b> 171:1 217:17 <b>posed</b> 169:20 <b>position</b> 78:19,20 82:7,8 90:5,6,14 101:7 115:13 117:11 163:3 165:11,22 184:14 184:21,22 202:3,3 208:9 212:22 213:15 217:22 222:19,25 230:3 235:18 241:18 245:5 254:8 257:20 260:2 306:21 313:24 314:3,10 324:8 344:24 <b>positions</b> 93:12 185:5 191:15 <b>positive</b> 210:10 <b>possibility</b> 246:21 <b>possible</b> 146:23 196:14 257:15 270:20 273:25 321:8 323:2 <b>possibly</b> 14:24 94:12 184:20 222:2 230:8 260:10 261:25 295:1 302:23 <b>postings</b> 306:20 <b>posture</b> 281:24 <b>potency</b> 274:6
---	--	--	--



<p><b>potentials</b> 255:22</p> <p><b>potions</b> 275:3 276:16</p> <p><b>power</b> 189:23 190:2 329:23</p> <p><b>practical</b> 250:3,3</p> <p><b>practice</b> 17:6 18:1 19:8,17,20 20:7 48:3 126:15 135:22 201:12,13 216:17 247:25 251:15 253:12,19 254:9,11,25 255:7 255:10,23 256:19 257:16,16 260:3 260:24 261:10,17 261:20 262:4 277:19 278:7 291:18 307:16,24 308:16 310:7,13 330:4 342:20</p> <p><b>practices</b> 331:21</p> <p><b>practicing</b> 340:19</p> <p><b>practitioner</b> 19:10 28:7</p> <p><b>practitioners</b> 28:5</p> <p><b>prasad</b> 102:17 207:9,20</p> <p><b>prasad's</b> 206:23</p> <p><b>pre</b> 28:25 30:17 132:23 203:12 249:22 250:1,1 346:4</p> <p><b>precipitated</b> 253:6</p> <p><b>predictability</b> 210:24</p> <p><b>pregnancy</b> 302:9</p> <p><b>pregnant</b> 53:21</p> <p><b>preparation</b> 65:22 66:4</p>	<p><b>prepare</b> 37:17 38:3 65:16</p> <p><b>prepared</b> 357:3</p> <p><b>presbyterian</b> 130:5 133:3</p> <p><b>prescribed</b> 32:2 33:7,12 275:7,8</p> <p><b>presence</b> 4:18</p> <p><b>present</b> 31:22 34:19 67:8 121:9 151:1 206:20 238:15,20</p> <p><b>presented</b> 213:5 232:5</p> <p><b>presentence</b> 203:12 249:22 250:2,8</p> <p><b>pressure</b> 173:23 174:9 175:14</p> <p><b>pressured</b> 231:2</p> <p><b>pressuring</b> 175:2 175:4,7,11 306:22</p> <p><b>pretty</b> 39:16 56:22 85:25 132:1 149:25 186:18 209:23 210:16 216:14 323:10 326:5 328:4 330:19,19</p> <p><b>prevent</b> 30:1</p> <p><b>previous</b> 35:12 80:24 130:25 188:6 255:5 302:19 304:11</p> <p><b>previously</b> 117:3 164:17 230:20 241:19 248:6 334:11</p> <p><b>primarily</b> 151:19 152:6 167:5</p>	<p><b>primary</b> 17:6,23 19:8,15,16,19 54:25 126:14 148:24 287:11</p> <p><b>printed</b> 242:23</p> <p><b>printer</b> 8:22</p> <p><b>prior</b> 20:23 35:14 36:14 39:12 45:12 68:13 72:18 82:13 83:16,17 155:6 195:15 246:8 262:23 267:11 304:17 329:13 356:5</p> <p><b>priority</b> 173:3</p> <p><b>prison</b> 51:14,15</p> <p><b>private</b> 129:18,20 129:22 130:9,20 130:22,24 135:22 136:6,14 143:14 185:3 216:17 247:25 249:14 251:2,11,14,20,22 252:8 253:12,19 253:23 254:9,11 254:24 255:6,10 255:23 256:3,18 260:3,24 261:10 261:16,20 262:4 277:18 278:7 307:16,24 308:16 310:7,13</p> <p><b>privately</b> 154:22</p> <p><b>privilege</b> 11:3 67:13,15 125:14 156:7,12,12 157:5</p> <p><b>privileged</b> 72:1 156:17</p> <p><b>privileges</b> 123:20 125:14 135:5</p>	<p><b>pro</b> 99:17 118:3</p> <p><b>probably</b> 17:24 30:17,18 78:18 87:14 220:4 258:23 278:18 352:21</p> <p><b>probation</b> 204:19</p> <p><b>problem</b> 8:2 26:13 39:14 45:6 64:24 152:23 153:15 234:7 236:4 251:14,23 253:4 254:24,25 260:17 273:9 279:21 287:4 290:7,9</p> <p><b>problematic</b> 99:18 100:4 213:13 240:15 251:5,6 258:15,19</p> <p><b>problems</b> 17:2,8 17:10 19:6 32:16 59:13 102:5 149:3 266:9 270:21 273:14 274:6 276:24 305:16,17 307:20,21 322:12 326:23 334:20</p> <p><b>procedural</b> 4:25</p> <p><b>procedure</b> 184:8 203:10</p> <p><b>proceed</b> 36:6 71:16</p> <p><b>proceeded</b> 282:9</p> <p><b>proceeding</b> 1:20 4:4,23 250:6 355:16 357:4</p> <p><b>proceedings</b> 356:3 356:5,6,9 357:6</p> <p><b>process</b> 102:5 167:9 173:9 174:8 174:14 233:21</p>
--	--	--	---

Melissa Kaye

[process - pushed]

Page 48

<p>323:1 326:16,21 335:15</p> <p><b>processed</b> 136:19</p> <p><b>produce</b> 299:23 319:9</p> <p><b>produced</b> 4:22 38:13 108:9,10 219:11 319:11</p> <p><b>producing</b> 319:12</p> <p><b>production</b> 136:22 136:25 138:22 141:20 298:5 320:4</p> <p><b>professional</b> 29:6 50:22 57:14 95:16 96:8 97:18 98:2 126:20,23 135:9 235:21 334:3 339:4 345:20</p> <p><b>professionally</b> 49:9</p> <p><b>professionals</b> 27:22 34:17 97:18 97:19,20</p> <p><b>profile</b> 321:6</p> <p><b>proforma</b> 331:1</p> <p><b>program</b> 158:12 324:2</p> <p><b>project</b> 312:9</p> <p><b>promised</b> 152:24 168:1 191:20 212:11 239:19 272:7 276:12 286:23 287:7 302:21 305:21</p> <p><b>promises</b> 231:25</p> <p><b>promoted</b> 101:17 204:10</p> <p><b>promotion</b> 101:1,4 101:9,20,22,23 204:14</p>	<p><b>proper</b> 76:13 199:4 218:23</p> <p><b>properly</b> 333:13</p> <p><b>property</b> 160:24 209:16</p> <p><b>proposed</b> 199:2 238:25</p> <p><b>proposing</b> 99:8</p> <p><b>prosecution</b> 345:21</p> <p><b>prosecutors</b> 249:16 253:19</p> <p><b>prospective</b> 213:10</p> <p><b>protection</b> 91:24 246:24</p> <p><b>protocol</b> 275:2 276:3 280:23 281:2 300:2</p> <p><b>protocols</b> 274:23</p> <p><b>proton</b> 32:1,11</p> <p><b>prove</b> 287:13</p> <p><b>provide</b> 72:8 97:25 98:9 169:19 249:15 300:2</p> <p><b>provided</b> 225:5,7 227:25 228:1 319:24</p> <p><b>providing</b> 150:22 256:8</p> <p><b>provision</b> 314:19</p> <p><b>psychopharmac...</b> 140:3</p> <p><b>psych</b> 81:16,16</p> <p><b>psychiatric</b> 51:22 125:1 127:20 133:4,7 142:25 187:20,20 255:16 256:7</p> <p><b>psychiatrically</b> 185:14</p>	<p><b>psychiatrist</b> 29:7 33:25 34:14 47:12 60:4,8 90:17,19,20 90:23 115:3,4 202:10,20 208:20 317:20 349:16</p> <p><b>psychiatrists</b> 47:9 108:15 111:18 129:20,23 167:18 209:3 212:21 263:2,3,3</p> <p><b>psychiatry</b> 45:20 47:9 48:17 53:18 59:7 60:21 93:7 163:2 165:12 201:2,4,5 202:22 216:10 244:9 293:22 306:19 334:16 340:19</p> <p><b>psychologist</b> 24:25 25:1,5 29:7 33:19 49:22 57:15 77:9 78:5,6 83:23,24,25 90:18 95:11 115:3 233:15 347:4,9,11</p> <p><b>psychologists</b> 76:6 77:23 78:7,10 80:16 81:15,19 84:4 85:3 92:25 95:10 111:18 209:1 212:21 253:15</p> <p><b>psychology</b> 49:24 76:8,8 78:11,12,15 78:15,25 79:1,7,8 80:1,1 81:17,21,21 90:12 92:23 321:4 321:6</p> <p><b>psychopharmace...</b> 146:4</p>	<p><b>psychopharmac...</b> 142:5 148:14</p> <p><b>psychopharmac...</b> 140:1,7</p> <p><b>psychopharmac...</b> 142:6 146:5</p> <p><b>psychosis</b> 143:3</p> <p><b>psychostimulant</b> 275:21</p> <p><b>psychotherapy</b> 338:12</p> <p><b>psychotic</b> 187:22 334:18</p> <p><b>psyd</b> 53:3 92:22 207:11</p> <p><b>public</b> 1:22 113:12 167:11 253:3 309:1 315:7,15 351:11 356:1,20 359:19</p> <p><b>pull</b> 198:8 212:12 301:1</p> <p><b>pulled</b> 130:21 207:17 212:3</p> <p><b>pump</b> 32:1,11</p> <p><b>punch</b> 247:17</p> <p><b>punished</b> 88:24</p> <p><b>punitive</b> 236:13,18 236:21,22 247:21</p> <p><b>purpose</b> 34:24</p> <p><b>purposes</b> 7:3 30:25 108:8,12 109:15,22 174:19 301:25 324:24</p> <p><b>pursing</b> 317:11</p> <p><b>pursue</b> 76:18 341:17 343:4</p> <p><b>push</b> 64:13 86:21 293:20</p> <p><b>pushed</b> 87:2 327:5 335:20 340:15</p>
---	---	--	--

Melissa Kaye

[pushing - reach]

Page 49

<b>pushing</b> 190:12 <b>put</b> 7:3 42:15 48:19 102:2 137:14 141:21 143:5 156:24 168:9 170:25 201:14 215:11 220:23 221:23 226:1 239:11 242:13,15,17,17 248:12 262:22 274:3 275:10,14 275:15 294:16 295:16 296:8 300:19 301:2 306:25 311:8 317:6 318:7 342:9 <b>puts</b> 330:7 331:11 331:11 <b>putting</b> 282:12,12 331:21	49:13 55:3 63:19 68:12 69:11 76:22 80:24 81:5 85:6 86:4 87:23 93:23 94:22 95:3 96:20 97:7,10 98:24 101:11,15,16 109:16,18,21,24 110:18,21 116:19 119:16,22,24 131:3 133:22 135:16 138:4,10 143:2 146:6 150:23 154:19 155:6,9 156:2,10 156:21,22 157:3 160:5 170:22,24 171:3,8 173:12 175:22 178:3,20 179:1,25 180:3,6,8 180:11,15,18 182:19 183:2,5,13 183:24 188:1,22 188:22 191:10 193:5,13,14,16 199:7,12 206:9,11 212:25 224:5 225:13 227:2 229:2 231:6 235:11 237:11 239:6 241:15,21 242:8,8 243:16 248:15 252:16 254:5,22,23 259:5 259:14 262:13 265:3 277:21 284:11 285:18 288:25 289:3,22 289:25 292:11,20 292:23 293:2 294:1 295:11	296:2 298:4 308:13 322:5 325:24 332:18 333:2,3,5 336:25 339:7 346:23 349:11 351:14 353:21 <b>questionable</b> 253:20 <b>questioning</b> 150:9 354:14 <b>questions</b> 3:14 7:24 8:2 9:7,19 12:9,19 26:17 27:21 49:10 59:13 81:8 101:15 121:23 128:1 157:11 168:11,19 168:23 169:9,11 169:11,16,19,20 169:24 170:20 179:11 180:24,24 215:21 249:2 254:2,3 264:21 285:15 287:7 292:17 343:10,13 352:1 <b>quick</b> 49:9,9 <b>quid</b> 118:3 <b>quiet</b> 260:6 <b>quit</b> 208:17 209:3 209:5 245:5 262:7 267:7 285:9 306:14 317:15 <b>quite</b> 21:1 66:8 76:22 127:12 167:10 248:25 250:10 314:13 <b>quitting</b> 247:7 <b>quo</b> 118:3	<b>quotations</b> 110:2 <b>quote</b> 260:12 314:17
<b>q</b>			<b>r</b>
<b>qualified</b> 48:13 356:7 <b>quality</b> 97:25 <b>quantify</b> 142:20 191:16 <b>quarter</b> 348:18 <b>queen</b> 49:1 105:11 <b>queens</b> 77:8 81:19 114:15 163:7 166:7 205:14 213:21,23 251:7 256:24 312:9 <b>question</b> 8:3,18 9:23,25 10:2,6,6 10:17 11:1 13:9 13:12 18:11,18 21:15 30:10 34:9 37:25 38:9 41:21 41:23 42:25 43:11			<b>r</b> 2:1 3:20 4:1 13:25,25 34:23 49:17 303:12 321:9 358:3,3 <b>rack</b> 155:22 <b>radioactive</b> 304:1 <b>radtke</b> 357:2,15 <b>raise</b> 58:23 76:9 81:22 82:1,6 86:22 92:25 94:19 94:24 116:12 166:20 186:22 190:12 <b>raised</b> 176:14 <b>raises</b> 94:7 <b>raishid</b> 14:2 <b>raising</b> 58:21,22 <b>rambling</b> 349:24 <b>ran</b> 96:1 <b>random</b> 177:17 <b>randy</b> 303:12 <b>range</b> 64:11,13 78:5,6 79:22 190:13 <b>ranges</b> 78:3 <b>ranking</b> 99:6 <b>rash</b> 273:10,20 275:19 <b>rashida</b> 13:23 14:4 14:5,10 28:9 33:9 33:10 <b>rate</b> 187:23 <b>ratification</b> 297:2 <b>rationale</b> 227:8 <b>rattled</b> 163:12 <b>reach</b> 25:8 74:11 76:23 87:10 162:9



Melissa Kaye

[reach - redacted]

Page 50

193:22 329:10,11 <b>reached</b> 24:4,10 74:4 77:3,11 146:24 162:4,7 340:5 <b>reaching</b> 75:24 329:4 <b>reacted</b> 190:5 <b>reaction</b> 248:24 <b>read</b> 10:23 40:24 96:19 97:7,10 106:10 116:21 121:3 221:1,5 224:2,22 225:1 227:19,25 228:14 228:18 254:20 295:20 327:16 337:9,22 359:5 <b>reading</b> 116:18 295:20 <b>ready</b> 71:16 269:13,14 <b>reagan</b> 177:13 <b>real</b> 168:6 213:18 <b>realized</b> 255:4 310:17 <b>really</b> 25:14 29:19 42:17,17,24 51:14 94:25 95:15 102:7 103:3 126:15 132:24 135:25 150:10 151:16 172:12 177:17 184:25 186:18 208:15 209:2 211:3 244:18 249:21 253:9 254:14 260:19 272:3 274:15 296:5 300:25 303:7,19 328:10	331:4 <b>rears</b> 278:19 <b>reason</b> 14:25 15:9 16:24 25:6,8 39:14 52:12 61:4 68:22 121:23 154:1 155:22 158:2 234:3 242:4 248:17 251:23 265:20,21 299:25 300:4,6 307:10 322:24 326:7,20 350:23 358:6,9,12 358:15,18,21 <b>reasonable</b> 86:23 131:11,13 187:2 302:4,13,15 303:1 305:5,11,12,15 307:19 333:16 335:1 <b>reasons</b> 110:14 111:6 117:2 152:17 158:5 214:5 230:19 261:19 277:16 278:2 <b>reassured</b> 191:21 <b>rebecca</b> 328:23 <b>recall</b> 19:25 22:12 22:16 24:12,20 28:20 38:24 39:7 39:9,16,21 41:3,15 46:18 53:14,15,15 56:17 58:10,16 73:5,12,15 74:13 109:10,12 112:9 112:10 134:8 148:17 162:15 164:7 172:22 184:4 199:13 295:15,20 302:7,8	303:5 <b>recaptured</b> 240:2 <b>receive</b> 6:23 43:5,6 104:16,17 137:5 137:21 141:10,17 285:12 287:15 335:22 <b>received</b> 19:15 83:24 104:13 136:23 137:12 138:13,23 141:20 244:1,2 318:20 320:10 <b>receiving</b> 28:13 42:19 109:10 112:8 <b>reception</b> 347:17 <b>receptive</b> 187:16 <b>recognize</b> 321:12 <b>recollection</b> 40:21 74:3 161:25 171:9 171:18 <b>recommend</b> 33:20 33:24 34:3 <b>recommendation</b> 143:4 <b>recommendations</b> 148:14 <b>recommended</b> 25:19 30:24 <b>record</b> 4:4,5,20 5:7 13:24 14:23 19:3 23:5 37:8,10 37:11,13 40:12,13 40:15 71:12,13,15 97:13 100:3 108:9 108:12 109:16,22 116:21 122:15 131:20 150:14,15 150:17 156:24 157:7 161:12,13	161:15 198:20,21 198:23 215:15,20 226:9 227:5 245:3 245:14,15,17,21 257:6 289:8,9,11 289:12,14 299:13 301:18,19,21 315:17 319:18 320:1,4,12 324:25 330:9 341:23 342:17 352:16 353:24,24 354:1,4 354:5,7 355:13 356:9 357:5 <b>recorded</b> 5:2 356:6 <b>recording</b> 4:22 356:8 357:4 <b>records</b> 45:10 95:14,14 97:16,17 98:5,8,10,19 100:12,17 155:17 278:14,25 279:8 279:12,13 280:12 280:16,17 318:20 319:23 320:19,21 320:23 330:12 332:12,19,20 333:8,12,13,19,19 334:9,14 335:18 335:23,24 341:12 342:1 <b>rectified</b> 190:8 <b>red</b> 166:20 176:14 246:2 348:20 <b>redacted</b> 45:9 95:14 97:16,17 98:10,19 100:2,17 278:13,14,16 279:8,12,13 280:12 332:19,20
---	--	---	---

Melissa Kaye

[redacted - reporter]

Page 51

333:12,13,19 335:5,10,13,24 <b>reduced</b> 290:15,18 356:7 <b>reduction</b> 296:23 <b>refer</b> 54:5 251:11 329:21 <b>referrals</b> 251:2,20 251:23 <b>referred</b> 242:10 274:17 <b>referring</b> 38:15 45:7 187:19 215:13 <b>reflect</b> 299:13 <b>reflected</b> 238:5 240:15,18 <b>reflecting</b> 322:9 <b>reform</b> 346:4 <b>reformer</b> 331:23 <b>reformers</b> 340:13 <b>reforming</b> 340:12 <b>refresh</b> 112:12 <b>refusals</b> 176:3 <b>refuse</b> 333:7 334:24,25 <b>refused</b> 105:4 175:8,25 176:5 214:1 332:21 <b>regarding</b> 61:7 65:21 71:23 72:12 99:12 182:23 183:9 199:15 205:24 215:6 261:19 289:19 <b>regardless</b> 165:21 <b>regular</b> 51:9 150:1 <b>regularly</b> 149:18 <b>rehab</b> 34:25 <b>reimbursed</b> 284:1	<b>reiterated</b> 93:2 <b>rejected</b> 89:1,8 <b>related</b> 21:25 28:22 33:8 86:10 93:4 204:18 214:6 280:11 326:15,15 334:15,20 338:18 341:25 345:6 356:11 357:7 <b>relates</b> 245:9 <b>relation</b> 69:1,16 115:23 143:1 241:2,5 303:18 <b>relations</b> 290:25 299:3 <b>relationship</b> 251:2 328:17 <b>relationships</b> 250:24 253:22,23 253:24 345:19,20 <b>relative</b> 113:10 260:7 356:13 357:10 <b>release</b> 23:22 262:1 277:18 278:8 310:8 320:17,18 <b>released</b> 314:22 <b>releases</b> 99:17 261:23 341:12 <b>relevance</b> 336:23 <b>relevant</b> 69:10 104:6 157:4 337:7 <b>reluctant</b> 306:4 <b>remained</b> 112:16 <b>remaining</b> 226:10 233:7 <b>remember</b> 20:5,7 28:9 32:2 33:12 35:9 38:17 39:4 39:13 48:22 56:5	58:1 60:4 63:12 70:4,5,12,13,20,21 88:17 89:16 102:19 126:23 127:4 147:24 163:7,8,15,17 182:12 185:19 186:12 193:15 209:5 213:17 243:20 267:22 269:21 283:17 294:13,22 300:25 312:8 328:3 <b>remembering</b> 338:3 <b>remote</b> 1:20 302:24 <b>remotely</b> 4:18 <b>render</b> 143:4 335:1 <b>rendered</b> 126:2 <b>renew</b> 127:22 <b>renewed</b> 127:24 135:4 <b>rent</b> 160:16,19,20 160:24 <b>rented</b> 160:17 <b>renting</b> 161:1 <b>rep</b> 290:6 <b>repeat</b> 12:5 17:12 24:8 26:3 30:7 32:13 58:15 63:18 105:22 107:5 116:5 117:15 122:6 138:10 144:23 149:11 157:16 169:14 172:2 181:18 198:6 201:19 206:8 215:17 218:9 219:19	223:23 226:19 238:11 243:2 250:16 258:11 276:8 280:6 287:18 316:3 349:11 352:13 <b>repeated</b> 281:14 <b>repeatedly</b> 168:1 <b>rephrase</b> 191:10 <b>replace</b> 30:25 <b>replacement</b> 212:13 290:10 <b>report</b> 42:3,5 45:17,22 48:8 145:10 167:8 202:19 216:24,24 235:22 236:12 307:1 308:25 309:3 323:17 <b>reported</b> 1:22 42:4 45:16,18 105:9 202:21 236:8,12 236:14,20 247:21 261:1 <b>reporter</b> 4:2,3 5:16 9:13,15 10:21 11:22 13:6 13:10 17:12 24:8 25:22 26:4 27:14 27:17 29:23 32:12 37:9,12 40:11,14 41:8 50:7 57:22 58:14,18 63:18 66:14 71:11,14 73:10 74:24 77:17 77:19 80:20 85:13 97:12,13,22 105:22 106:6 107:3,5 116:5,9,20 116:21 117:15 122:6 125:4
--	--	---	---

Melissa Kaye

[reporter - retiring]

Page 52

133:22 137:24 144:23 145:19 149:11 150:13,16 156:25 157:16 161:11,14 169:13 170:15 172:2 177:7 180:12 181:17 198:5,19 198:22 199:22,24 201:19 204:2 206:8 215:16 218:9 219:18 223:21 224:14,23 226:19 227:3,21 232:15,18 238:10 243:2 245:13,16 249:24 250:15 256:13 258:11 259:24 264:17 276:8 280:6 284:18 287:18 288:25 289:10,13 291:4 293:7 295:8 299:19 301:17,20 308:12 309:17 313:13 315:11 316:3,10 318:11 319:25 324:19 325:15,21 342:14 342:23 348:11 349:10 352:12,17 353:5,18,22 354:2 354:6 355:12 <b>reports</b> 251:16 260:10 <b>represent</b> 9:1 85:3 <b>representation</b> 177:19 262:1 291:12 <b>representative</b> 46:17 283:15	<b>represented</b> 69:23 70:1 71:19 72:19 83:18 <b>reprimanded</b> 311:17 <b>request</b> 39:11 94:23 121:19 299:7,16 302:13 302:18 303:1,18 304:10,11 305:11 309:23 320:11 345:13 355:6 <b>requested</b> 69:6,7 97:14 116:22 137:15 155:16 234:9 302:2,4 356:23 <b>requesting</b> 320:16 326:25 354:14,22 <b>requests</b> 142:4 302:16 321:13 <b>require</b> 148:25 <b>required</b> 152:20 205:22 268:10 271:6 285:24 359:13 <b>requiring</b> 20:12 <b>reschedule</b> 329:1 <b>resented</b> 56:24 57:3 <b>resentful</b> 57:7 <b>reserved</b> 355:14 <b>residency</b> 200:23 <b>resign</b> 132:23 246:11,19 306:15 306:18 317:16 344:19,24 <b>resignation</b> 144:5 306:17,23 <b>resigned</b> 89:15,22 89:24 120:12,13	132:24 171:9 215:9 216:5 <b>resigning</b> 247:7 <b>resistant</b> 296:18 <b>resolved</b> 120:7 277:11 287:23 <b>resolving</b> 70:21 <b>respect</b> 112:14 150:23 278:10 330:3,14 <b>respected</b> 45:4 57:15 345:22 <b>respectful</b> 235:20 235:25 <b>respective</b> 60:3 <b>respond</b> 8:17 106:1 109:7 <b>responded</b> 47:7 299:12 317:10 330:18 <b>responds</b> 109:5 <b>response</b> 14:17 60:18 76:24 109:20 155:6 <b>responses</b> 319:10 354:18 <b>responsibilities</b> 79:18 124:20 127:11 <b>responsibility</b> 98:2 180:23 <b>responsibly</b> 290:12 <b>rest</b> 154:5 224:2 224:22 225:2 340:17 <b>restore</b> 195:6,6,7 331:3 <b>restored</b> 39:11 272:7	<b>restroom</b> 10:13 <b>resubmitted</b> 295:17,23 <b>result</b> 69:4 281:10 282:17 294:2 305:11 338:19,21 <b>results</b> 255:23 346:2 <b>resume</b> 124:13 <b>retainer</b> 73:2,13 <b>retainment</b> 73:6 <b>retaliated</b> 44:25 100:24,25 <b>retaliates</b> 332:9 <b>retaliating</b> 236:7 <b>retaliation</b> 188:5 189:1 192:2 206:16 211:11 233:19 278:1,9,11 281:12 285:4 290:3 307:6,19,23 313:18 315:14 333:24 339:24 <b>retaliatory</b> 189:7 239:2,5,8 242:5 247:15 261:18 265:22 266:25 272:2 277:15,17 277:21,22 278:3 281:10 285:5 286:22 305:8 329:7 339:3 <b>retarded</b> 139:15 <b>retention</b> 93:4 115:9 233:25 297:24 <b>retire</b> 246:11,15 246:18 <b>retirement</b> 323:1 <b>retiring</b> 247:8 323:6
--	---	--	--

Melissa Kaye

[retroactive - salaried]

Page 53

<b>retroactive</b> 121:1 121:2 298:17 <b>retroactively</b> 281:5 282:18 283:8 294:25 295:3,19 <b>return</b> 304:11 <b>returned</b> 302:19 305:7 <b>returning</b> 304:17 <b>revealed</b> 235:9 237:11 <b>reverting</b> 317:14 <b>review</b> 37:21 38:2 66:7 124:25 127:22 195:17 199:9,11 326:4 330:10 356:23 <b>reviewed</b> 38:18 44:8 195:19,19,20 238:5 <b>reviewing</b> 65:13 <b>revved</b> 275:21 <b>rho</b> 34:23 <b>rid</b> 233:19 <b>ride</b> 270:5,7 <b>ridiculed</b> 192:7 <b>ridiculing</b> 323:17 <b>ridiculous</b> 88:23 252:1 295:2 345:15 <b>rigging</b> 310:19,20 310:23,24 311:5 317:10 335:15 <b>right</b> 7:15 8:5,23 8:23,24 21:10,10 22:21 27:20 29:1 35:14 40:16 46:21 52:20 54:9 59:10 64:12 71:10 87:14 91:11 95:19 101:7	105:17,19 106:19 107:21 120:8 121:12 123:3 130:6 131:18 136:21 138:21 141:19 146:11,14 157:10 178:4 190:22,23 192:11 194:2,9,9,25 195:2 198:16 199:19 215:5,9 216:21 217:8 218:19,19 218:21 219:10 225:14,20 230:22 232:14 233:3,3 235:5 236:11,25 237:9,22 240:12 247:12,18 252:3 252:15 256:5,12 259:2,12 261:3 266:17 270:14 271:2,16 277:5,12 279:6,6 280:18 281:7 289:2 291:10 294:7 298:4 299:13 301:4 318:8 319:12 335:14 344:13 346:10 348:9,9 355:10 <b>rights</b> 74:19,19 97:20 99:5,12 100:1 166:25 174:8 175:16 233:21,21 257:15 262:2 336:12 <b>rikers</b> 51:18 153:9 167:6 175:1 185:15 187:19 205:13,13,15 313:24 315:25	346:3 <b>risk</b> 35:6,11,11,13 98:20 <b>rob</b> 202:25 203:1 <b>robert</b> 95:23 202:22 303:12 <b>robin</b> 246:2 <b>role</b> 54:1 59:5 124:5,7 164:24,25 165:3,5 167:21 213:24 219:8 230:24,25 312:1 <b>roles</b> 187:14 <b>roll</b> 217:7 279:18 <b>rolled</b> 92:23 222:20 231:16,21 247:1 266:15,19 276:12 281:15 305:21 <b>rolling</b> 93:11 <b>rollover</b> 222:18 <b>ronald</b> 303:13 <b>roof</b> 345:6 <b>room</b> 36:10 99:20 129:5 336:3 <b>rooms</b> 128:5 336:10 <b>ross</b> 26:23 248:1 <b>rotating</b> 293:23 <b>rotator</b> 15:12 <b>round</b> 125:20 130:8 <b>rounding</b> 129:18 <b>rouse</b> 262:25 263:1,18 <b>routine</b> 28:7 281:14 <b>row</b> 70:11 291:3 298:21 <b>rubber</b> 273:22	<b>ruin</b> 330:11 <b>rule</b> 80:12 257:17 <b>rules</b> 5:1 76:12 80:8 282:20 316:17 <b>rumbling</b> 57:8 164:1 <b>rumor</b> 223:17 245:24 246:6 247:7 333:23 334:5 <b>rumors</b> 246:1 247:10 333:24 <b>run</b> 103:25 277:5 277:6 291:1 298:22 345:9 <b>runaround</b> 48:15 77:14 119:5 <b>running</b> 214:9 318:9 <b>runs</b> 136:18 <b>ruthless</b> 262:18
<b>s</b>			
<b>s</b> 2:1 3:5,20,20 4:1 13:25 23:7,7 49:17 66:16,16 90:15 95:22 157:17 334:8 358:3 <b>sabatino</b> 1:22 4:3 9:13 11:20 12:4 356:2,19 <b>sabotage</b> 285:6 345:17 <b>sadistic</b> 265:22 272:2 <b>safety</b> 30:25 <b>saint</b> 2:6 <b>sake</b> 224:12 <b>salaried</b> 130:1,11 130:14,21 133:8			

Melissa Kaye

[salaried - sense]

Page 54

249:16 251:20 252:7 <b>salaries</b> 46:8 77:10 115:11 <b>salary</b> 64:20 78:14 113:3,8,10,13,16 113:23 115:10 125:13 190:13 234:1 290:15,18 <b>saldana</b> 70:2 <b>santamaria</b> 283:15 286:16 <b>sarah</b> 102:16 <b>satisfactory</b> 120:6 120:7 <b>satisfy</b> 272:1 <b>saturday</b> 129:8 152:14 <b>savvy</b> 42:17 <b>saw</b> 18:4 21:11 22:12,20 23:2 28:7,8,19,21 29:4 46:12 60:10 80:16 110:23,25 132:6 214:25 244:3,12 346:1 <b>saying</b> 48:15 58:1 61:23 86:21 101:24 128:19 136:7 147:5 154:17 157:2 178:24 192:24 214:14 215:22 216:3,6,7 218:1 223:7 226:16 230:12 239:22 250:11 251:15 256:3,6 257:22 258:7,14 259:7 264:19 306:4 307:4 313:15	314:8,13,16 348:6 348:9 <b>says</b> 9:15 109:2,5 109:19 200:25 220:12,22 320:14 330:7 342:7 344:16 <b>scale</b> 79:10 <b>scapegoated</b> 45:3 278:13,22 <b>schedule</b> 24:7,12 56:10,13 57:7 121:24 300:19 <b>scheduled</b> 86:15 328:22 <b>scheduling</b> 321:23 351:10 <b>schlep</b> 270:10 <b>schneider</b> 208:19 208:23 <b>school</b> 20:23 43:19 43:23 44:4 68:8 266:9 267:17,18 267:19,19,21 268:8,12,13,23,24 268:25 269:2,3,12 269:15,20 271:13 272:11 294:17 <b>scientifically</b> 274:24 <b>screen</b> 107:11 194:15,21,22 195:3,3 272:23 337:20 346:13 <b>screening</b> 29:2 250:4 <b>screw</b> 260:15,16 260:19 <b>scroll</b> 196:13 200:2 219:24 221:14 224:3	225:11 228:21 351:7 <b>scrolling</b> 224:17 <b>scrutinizing</b> 287:2 <b>scuttlebutt</b> 223:17 <b>season</b> 300:18 <b>seasoned</b> 96:5 334:12 <b>sec</b> 25:22 <b>second</b> 35:22 40:7 52:14 80:22 97:12 106:21 123:16 129:10,11 150:6 150:11 182:16 214:21 225:22 265:9,9 288:5 344:14 353:18,19 353:22 354:2 <b>secondly</b> 191:7 <b>secretary</b> 181:23 182:14 297:25 <b>secretively</b> 172:8 <b>section</b> 200:13,13 <b>see</b> 7:22 14:4,25 16:24 20:13 21:7 21:8,21 22:1 24:15,19 33:24 43:19 51:9,23,24 52:12 94:24 102:24 108:21,23 109:2,23 124:24 125:15,20 127:23 194:17,21 196:15 197:4,20 206:21 222:15 243:21,21 244:6,19 280:22 292:21 315:21 321:18 337:14,17 337:18 343:23 347:21 348:5 351:7	<b>seeing</b> 13:5,22 14:7,20 16:6 17:4 17:8,9,21,23 18:8 19:5 21:4 22:9 24:2,17 25:9 31:10 33:2,15,18 49:25 186:12 <b>seeking</b> 184:17 191:14 326:21 338:17 339:13,20 341:1,20,25 343:21 <b>seen</b> 16:11,17,22 19:14 21:16,19 22:25 27:23 28:1 28:2 34:18,23 243:10,16 248:5 248:21,22,24 <b>selling</b> 275:6 331:23 <b>semi</b> 230:25 <b>seminar</b> 322:25 <b>send</b> 36:5,5,23 48:21 88:15 111:13 118:21 162:10 213:22 214:20 291:1 309:21 318:10 326:5,7 351:4,17 351:21 352:4,7 <b>sending</b> 42:23 109:10 131:21 326:25 <b>sends</b> 350:23 <b>senior</b> 95:17,21 105:13 279:3 <b>seniority</b> 48:13 <b>sense</b> 149:8,12,13 174:14 252:4 275:8 340:20 348:23
--	--	--	---



Melissa Kaye

[sent - similarly]

Page 55

<b>sent</b> 53:20 60:13 60:16 87:6 107:10 107:15 108:2 111:14,20 112:11 112:25 118:18 128:3 133:9 215:2 217:24 218:1 221:7,9 225:12 234:22 235:1 242:11 243:18,24 290:11 299:3 318:11 321:13 329:17 330:16,24 351:16,18 352:10 352:14 <b>sentence</b> 225:23 344:18 <b>separate</b> 76:11 79:13,21 103:24 104:21,24,24,25 105:1 113:20 225:12 286:2 <b>september</b> 72:9 139:22,23 145:14 283:16,16 286:17 287:8 308:3,3,6 346:19,21 <b>series</b> 219:10 <b>serious</b> 213:25 <b>seriously</b> 45:4 49:12 60:20 119:4 296:19 310:18 339:4 345:23 <b>servant</b> 113:12 167:11 <b>serve</b> 174:17 <b>served</b> 198:2 <b>service</b> 51:19 82:21,22,23 83:14 87:19 126:13 175:5 211:24	212:3,10,12,14 214:8 249:16 286:2 305:19 <b>services</b> 126:2 141:6,8 166:7,13 256:8 274:14 337:25 <b>session</b> 321:8 <b>sessions</b> 324:22 <b>set</b> 76:11 157:11 196:12 200:4 294:22 <b>setting</b> 200:4,10 249:9 255:21 <b>settlement</b> 343:8 <b>seven</b> 169:7 282:13 288:11 340:5 343:12 350:12,12 <b>severe</b> 273:13 <b>sex</b> 44:17,21 58:7 96:1 120:23 334:10 <b>sexist</b> 278:12 <b>share</b> 36:8 178:20 179:3 180:9 194:9 272:23 318:19 324:4 327:9 346:13 353:9 <b>shared</b> 45:1 178:16 179:22 181:1 184:7 311:14 322:14 <b>sharing</b> 187:18 198:25 260:14 307:4 <b>she'd</b> 48:18,19 349:19 <b>she'll</b> 171:4 <b>sheets</b> 286:24	<b>shew</b> 230:2 <b>shift</b> 39:8,11 121:13 127:22 128:12 129:2 153:7,17 154:17 164:13 199:15,16 214:6 247:14 261:18,21 262:6,9 262:16 263:4 266:13 267:10,11 267:12 271:17 272:2,13,22 273:1 275:13,24 276:12 277:13,22 278:3 278:10 286:21,22 302:19,20,23 303:6 304:10,11 304:17,24 305:1,7 305:8,10,20,23 306:7 307:12 317:24 318:3 323:12 331:3,9 347:25 <b>shifted</b> 54:2 136:12 <b>shifting</b> 154:1 <b>shifts</b> 124:17 127:9,15 128:21 129:8,13 138:17 138:19 <b>shock</b> 172:10 <b>shocking</b> 328:5,9 <b>shoot</b> 49:10 <b>short</b> 10:16 71:6 142:3 261:12 331:17 <b>shortly</b> 61:3 111:21 327:17 <b>shot</b> 247:5 <b>shoulder</b> 15:7 28:15,22 35:1,2,13	35:15,19 <b>shouldn't</b> 286:8 <b>show</b> 105:17 106:19 192:11 217:23 234:24 272:23 282:8 351:8 <b>showed</b> 110:10 224:8 282:8 290:18 <b>showing</b> 36:14 197:24 <b>shown</b> 95:5 <b>shredder</b> 347:23 <b>shredding</b> 192:8 <b>shrugging</b> 47:7 <b>shuffles</b> 103:5 <b>shunned</b> 105:3 111:25 <b>sic</b> 14:2,24 23:7,13 32:7 49:17 220:24 <b>sick</b> 273:2 <b>side</b> 29:21 30:1,19 30:23 31:4 32:23 270:6 <b>sign</b> 70:19,23 344:16 <b>signature</b> 355:14 356:17 357:14 <b>signed</b> 70:15,24 73:13 320:18 <b>significant</b> 113:6 <b>significantly</b> 47:3 <b>signing</b> 99:17 261:25 <b>similar</b> 78:18 204:20 <b>similarly</b> 51:22 100:2 136:2 330:20 334:21
---	--	---	--

Melissa Kaye

[simple - specialist]

Page 56

<b>simple</b> 345:13	<b>slews</b> 297:7	32:12 37:24 40:7	346:15 348:6
<b>simply</b> 295:4	<b>slippery</b> 168:6	42:23 45:17 57:22	349:10 352:12,17
<b>simultaneously</b> 247:23 252:3	<b>slips</b> 136:22	58:14 62:10 63:5	353:5
274:7	<b>sloppy</b> 331:20	69:5 71:2 80:20	<b>sort</b> 200:11 271:8
<b>single</b> 153:22	<b>slow</b> 9:16 131:22	81:11 82:5 86:3,8	<b>sought</b> 80:14
221:19 317:23	210:20,21	96:16 97:2,6,7	193:18
<b>singled</b> 100:22	<b>slower</b> 291:4	106:2 107:3,7	<b>sound</b> 236:13,19
<b>sir</b> 29:13	<b>small</b> 194:14	112:3 114:17	324:9
<b>sit</b> 310:3	<b>snake</b> 324:7,12	116:5,14,15,16	<b>sounded</b> 304:3,3
<b>site</b> 167:7 264:5,9	<b>snubbing</b> 98:9	130:2 132:13,16	<b>sounds</b> 177:22
264:10	<b>soap</b> 274:1 277:1	132:20 133:23	221:15 223:12
<b>sites</b> 327:20	<b>social</b> 23:2,3,8,11	138:9 139:2 146:5	324:6 329:24
<b>sitting</b> 213:21	25:4 29:4,6 56:20	147:21 149:11	<b>sources</b> 143:19
281:23	133:11 331:23	150:25 155:2	<b>southern</b> 1:2 9:6
<b>situation</b> 19:24	<b>socializing</b> 253:17	156:25 158:23	<b>span</b> 147:24 148:9
25:10 27:7 46:23	<b>sociopath</b> 56:6	160:4 162:6 169:4	<b>speak</b> 9:16 11:2,23
53:24 77:4 94:13	58:2	169:13,17 170:15	40:22 67:20 79:17
116:1,6 122:5,9	<b>soft</b> 306:25 307:4	170:15 177:7	80:20 85:9 86:9
147:25 179:16	307:20	179:20 180:12	86:12 88:2 110:9
226:14 247:4	<b>softspoken</b> 26:8	181:17,17 198:5	117:25 118:1
249:9 280:13	<b>solanki</b> 108:24	200:7 201:20	153:10 156:25
291:19 334:3	<b>somebody</b> 236:2	204:2 206:9,10	162:6 169:5 182:4
337:4 339:11	303:13	208:22 215:16	183:8 214:1 217:6
340:25	<b>someone's</b> 42:22	218:9 219:18	227:6 247:9
<b>six</b> 63:4,4 121:1	333:15	222:9 223:5,21	259:24 291:4
167:23 214:24	<b>someplace</b> 214:21	224:14 227:3,3,5	309:5 313:13
218:4 270:14,15	<b>son</b> 68:25 69:8	227:21 232:3,15	351:23
282:15 283:24	267:16 271:23	238:10 245:8	<b>speaking</b> 65:14
336:5	273:2,5 276:15	248:14 250:12,15	94:6 120:21
<b>skills</b> 356:10 357:6	300:3 327:22	256:13,22 259:25	163:24 216:6
<b>skillset</b> 287:1	336:20,22 337:3	263:13 264:17	233:20 235:3
<b>skimmed</b> 38:20	337:25 339:10	265:11,12 276:8	237:13 320:1
66:20,20,21	341:12 342:6,8	280:6 284:18	346:6 353:6
<b>skin</b> 275:10	<b>son's</b> 301:6 302:1	289:23 290:17	<b>speaks</b> 110:23
276:20	<b>soon</b> 71:6 191:25	293:7 295:8 296:4	333:22
<b>skip</b> 217:14	344:19	299:19 308:12	<b>special</b> 2:3,4,7
<b>slated</b> 77:6	<b>sophistication</b>	313:13 315:12	5:11 71:19,22
<b>sleep</b> 266:10	287:1	316:11 319:25	72:11,18 344:16
275:12,14,18,22	<b>sorry</b> 7:11 13:6,11	324:4 325:19	<b>specialist</b> 20:13
	14:17 19:13 23:17	330:23 337:16	47:2,5 48:11
	24:8 26:9 30:7	342:14,23,23,24	59:24 60:6 63:14

63:17,23 76:15 79:3 80:2,7 86:24 113:21 167:22 187:5,13 188:3,24 189:11,19 208:10 218:16 219:7 233:23 234:10 <b>specialists</b> 76:20 <b>specialized</b> 274:18 338:11 <b>specializing</b> 18:1 19:17 <b>specialty</b> 274:20 <b>specific</b> 16:14,20 25:11 31:18 58:17 79:22 128:11 206:18 256:7 295:24 <b>specifically</b> 53:16 54:5 55:2 62:1,5 93:10 102:15 105:2 111:22,24 147:6 152:25 174:21 183:16 185:19 187:4 203:6 222:11 252:22 255:15 261:9,10 <b>specifics</b> 205:2 <b>specify</b> 63:5 143:25 <b>speculation</b> 349:13 <b>speculations</b> 349:7 <b>spell</b> 13:24 14:22 23:5,6,15 32:4 49:16 66:14 73:10 <b>spelled</b> 32:13 <b>spelling</b> 32:6,15 90:16	<b>spent</b> 292:6 293:15 <b>spite</b> 233:19 <b>split</b> 70:3 302:23 303:6 304:10 <b>spoke</b> 55:5 60:23 67:3,18 85:10 87:24 116:11 118:14,14,18 181:12,22,22,24 181:24,25 182:6,7 182:8,8,11,14,17 182:17,22 183:12 183:25 184:12 216:9 237:15 239:21 268:17 298:18 309:7 331:15 <b>spoken</b> 334:2 <b>spreading</b> 247:9 <b>spreadsheet</b> 60:10 60:11 <b>spy</b> 348:5 349:2 <b>spying</b> 348:21 349:21 <b>square</b> 3:23 123:13,19,21,25 124:6 126:6 128:8 129:11 130:17 132:13,14,16 133:1,21 134:1,6 134:14,19 136:1 137:6,12,22 138:13,24 139:5 143:9 146:8,13 147:7 149:17 150:24 151:18 154:20 <b>squinting</b> 337:16 <b>squirming</b> 222:13	<b>stadium</b> 271:1 <b>staff</b> 26:20,24 54:11 56:9 57:4,7 124:25 125:17 128:1 131:6 187:23 188:15 207:3,8 208:13,18 209:18 211:13,14 211:21,23 212:4 213:21 267:7 323:16 331:12,12 345:9 <b>staffed</b> 207:20,22 <b>staffing</b> 52:1,5,9,9 52:15 214:16 <b>stakeholders</b> 178:17 249:13,15 255:17,20 256:8 345:20 <b>stamp</b> 107:24 219:12 324:25 <b>stamped</b> 196:23 196:24 320:24 322:20 325:8 326:2,14 329:17 336:18 346:14 350:21 <b>stamps</b> 319:6 <b>stand</b> 203:11 340:9 <b>standard</b> 330:13 330:13 <b>standardized</b> 108:18 <b>standing</b> 275:16 <b>stands</b> 48:3 207:10 244:8 <b>start</b> 10:5 14:7 17:4,9 18:8 19:5 24:2 25:9 27:6 30:10 81:5 101:3	139:16 199:17 224:23 264:1,17 267:19 299:20 347:17 352:18 <b>started</b> 6:18 17:21 17:23 27:10,12 30:5,8,16 76:4,4 83:7 101:2 123:24 124:16,18 129:15 129:16,25 136:1 136:13,14 173:4,7 192:1 193:19 215:2 217:1 236:7 237:2 248:25 253:3,9 254:16,17 254:18 267:21 273:23,24 274:25 278:19,21,23 281:4,13 284:23 301:3 306:13 326:23,24 328:13 348:23 <b>starting</b> 140:10 317:11 <b>starts</b> 103:7 <b>state</b> 6:6,11,12 74:18 174:3 201:13,14 313:4 314:19 329:21 340:4 356:21 <b>stated</b> 160:11 256:18 338:25 <b>staten</b> 114:21,23 114:25 <b>states</b> 1:1 25:2,5 174:18 <b>statins</b> 33:11,13 <b>station</b> 209:15 <b>statistics</b> 312:12 340:11
---	--	--	--



<b>status</b> 201:15 264:23 297:23 <b>statute</b> 204:24 205:5,24 210:6 <b>stay</b> 93:2,12,15 96:14 129:4 153:8 153:12 167:13,25 168:2 184:25 185:7 186:2 191:17,24 211:17 220:16 225:24 229:4 230:12,23 230:24 231:24 233:2 266:16 272:10 <b>stayed</b> 70:3 <b>staying</b> 246:21 <b>stems</b> 273:9 <b>stenographer</b> 354:10 <b>stenographic</b> 5:3 <b>step</b> 279:22 <b>stepped</b> 90:4 345:25 <b>steps</b> 162:25 <b>stern</b> 216:23 236:8 236:17,20 247:20 <b>steroids</b> 274:3,6 274:17 275:20 <b>steve</b> 48:12 59:23 60:1 64:19 86:23 89:9,12,14,15 100:5 112:18 113:2 117:8 119:7 120:3 187:7 208:5 218:8,14 219:6 222:23,25 223:9,9 233:23 <b>steven</b> 46:2 74:10 74:16 75:3,17 177:13	<b>stipulate</b> 5:15 <b>stipulation</b> 5:4,13 341:24 <b>stipulations</b> 5:10 7:18 91:3,9 <b>stop</b> 35:21 80:15 80:19,19 123:15 129:9 170:14 217:4 225:17,18 225:19 236:11 254:1 265:11 271:1 279:11 288:5 291:10 313:6 315:16 316:2 336:14 342:22 346:10 347:8 <b>stopped</b> 124:7,8,9 124:11 129:10,13 131:12 148:17 151:4 346:6 <b>storm</b> 332:11 <b>stormed</b> 99:7 102:1,21 <b>straight</b> 252:12 349:22 <b>strain</b> 25:13 <b>strategic</b> 104:5,18 104:20 <b>street</b> 2:15 86:11 128:8 129:5,6 153:4 237:16,16 263:13 283:22 <b>stress</b> 20:17 21:3 25:20 322:15 338:1 339:25 340:8 345:5 <b>stressed</b> 25:10 27:6 <b>stressful</b> 27:4 154:1 193:20	326:10 <b>stressing</b> 337:5 <b>stressors</b> 322:18 <b>strict</b> 152:19 <b>strike</b> 138:1,3,5 <b>strong</b> 248:22 249:3 345:19 <b>strongly</b> 329:25 <b>structure</b> 189:25 <b>structures</b> 233:13 <b>students</b> 68:7 <b>studied</b> 274:24 <b>studies</b> 158:12,15 <b>stuff</b> 71:4 131:23 269:18 274:2 283:11 287:2,5 302:9 306:10 <b>style</b> 49:11 <b>subject</b> 38:24 220:8 321:8 329:22 350:22 <b>subjected</b> 192:2 <b>submit</b> 353:10 <b>submitted</b> 260:10 294:15 352:22 <b>subordinate</b> 317:6 318:7 <b>subpoena</b> 335:23 <b>subpoenaed</b> 319:10 <b>subpoenas</b> 319:11 <b>subscribed</b> 359:14 <b>subsequent</b> 210:13 210:14 238:19 287:24 <b>subsequently</b> 179:6 199:10 286:12 <b>subspecialty</b> 334:17	<b>substance</b> 65:10 334:22 <b>substances</b> 12:13 12:16 <b>substantiate</b> 315:17 <b>successful</b> 312:13 <b>succinct</b> 81:12 97:8 285:16 <b>suck</b> 48:6 <b>sudden</b> 240:13 <b>suddenly</b> 163:9 164:12 240:11 253:4 262:20,21 263:25 <b>sue</b> 68:22 70:10 <b>sued</b> 68:13,16 325:10 <b>suffer</b> 273:5 <b>suffered</b> 275:18 290:3 339:3,7,24 341:3 343:23 <b>sufficient</b> 211:13 <b>suggest</b> 7:18 115:22 <b>suggestions</b> 248:12 <b>suggestive</b> 173:16 <b>suggests</b> 221:25 229:6 <b>suing</b> 297:15 322:13 326:9 <b>suitable</b> 169:23 <b>sullivan</b> 21:20,21 22:9,13 30:5,8 33:9,15 <b>summary</b> 111:2 <b>summer</b> 130:15 131:4,9,12 132:1 151:11
--	---	--	---

Melissa Kaye

[sunday - talked]

Page 59

<b>sunday</b> 129:8 <b>super</b> 153:25 <b>superiors</b> 183:21 <b>supervision</b> 311:9 <b>supervisor</b> 75:20 188:18 235:25 <b>supervisors</b> 182:5 236:1 <b>supplement</b> 30:1 <b>supply</b> 277:3,10 277:10 <b>support</b> 26:24 56:8 88:19 235:18 326:11 327:3 <b>supported</b> 57:13 57:14 335:3 <b>supporting</b> 332:7 <b>supportive</b> 49:8,9 49:14 331:13 338:12 <b>supposed</b> 29:21 36:2 73:23 144:16 174:17,19 213:23 225:5 251:9 275:2 275:11 296:25 297:2,6 298:23 301:8 305:8 319:9 <b>supreme</b> 95:25 <b>sure</b> 6:21 7:23 28:6 42:24 49:16 49:17,18 65:11 81:18 84:18 89:18 107:9 110:24 130:23 139:3 147:20 167:11,14 168:14 171:4 195:11 197:2,3,8 201:21 214:9 245:3 257:5 281:1 288:6 300:25 337:6,11,11 350:9	352:15,20,23 <b>surgeon</b> 47:12 <b>surgeons</b> 47:11 <b>surgery</b> 15:5,7,15 15:22 16:3 28:15 28:16,22 47:8 131:13,17 132:2 132:11 <b>surgical</b> 15:3 <b>surname</b> 158:17 <b>surplus</b> 133:12 <b>surprise</b> 172:10 <b>surprised</b> 246:5 321:18 <b>surreptitious</b> 166:17 171:22,23 172:15 192:3 286:11 <b>surreptitiously</b> 291:5 <b>surveillance</b> 349:8 <b>suspicious</b> 307:8 <b>sustained</b> 343:14 <b>swarm</b> 245:24 <b>swear</b> 4:17 5:17 <b>swenson</b> 26:22 240:25 241:16 242:11 283:21 323:16 345:9 <b>switch</b> 164:16 186:24 216:15 266:24 <b>switched</b> 82:22 130:13 <b>switchover</b> 19:25 77:6 237:5 <b>sworn</b> 4:20 5:21 356:5 359:14 <b>symptoms</b> 334:19 345:6	<b>syndrome</b> 20:17 20:21 21:5 345:5 <b>system</b> 30:24 46:11 154:3 174:9 176:10 184:9 192:5 208:14 262:21,24,25 265:18 267:6 281:17 284:10,13 284:25 287:9,12 290:23 340:10 <b>systematic</b> 194:6  <b>t</b>  <b>t</b> 3:5,20,20 32:7 66:16 73:8 157:17 257:2 358:3,3 <b>tabulation</b> 301:8 <b>tactics</b> 166:5 <b>take</b> 4:4,15 9:14 10:12,17,21 11:13 29:20,21 31:2 32:18,22 33:20 34:13 39:17,25 40:6 43:18 59:19 60:19 71:5,7 76:3 82:4 92:7,11 107:23 115:22 121:15 127:20 137:2,13,23 139:2 141:23 150:6 154:11 155:19,23 157:11 161:5 165:19 170:16 171:10 188:4,13 191:22 194:6 195:21 198:16 214:5 231:2,12 245:11,12 263:6 267:4 268:11,23 270:15 276:19,22 285:11,19,24	298:7,9 299:25 300:5,20 301:6,14 310:18 319:22,25 341:22 346:16 350:20 355:3 <b>takeaway</b> 57:24 <b>taken</b> 4:7 12:13,16 31:14,22,25 33:11 33:11 45:4 46:13 47:14 77:7 85:21 86:1 107:11 117:12 119:4 162:25 185:23 186:1,3 220:22 221:23 226:1 296:19 300:7,12 301:25 302:2 347:25 356:3,12 357:9 <b>takeover</b> 89:17 92:15 94:17 <b>takes</b> 277:5 <b>talk</b> 48:16 52:21 60:20 102:4 103:8 103:21 107:6 124:24 128:4 161:21 163:12 170:4,6 214:3 217:18 220:13 225:25 226:7 227:4 229:3 237:24 240:22 254:4 267:10 281:7 294:7 303:7 317:22 318:14 321:21 323:24 327:7 352:21 <b>talked</b> 28:13 37:19 61:15 78:4 85:19 91:15 116:3,7 117:20 146:25
--	--	--	---

226:18 229:8 269:6 278:16 279:15 303:22,22 303:23,24,24,25 306:9 309:14 324:18,21 <b>talking</b> 10:15 62:13 81:1 101:9 103:17,24 113:9 119:9,19 123:10 146:1 147:7,8 156:13 170:14 177:2,2,4,5,5 181:3 215:6 223:22 225:16 226:5 227:4 252:18 254:16 255:12,15 260:25 264:13,14 265:4,6 268:22 272:21 277:21 282:19 286:4,5,16 299:23 301:24 311:12,23 331:14,14,24 347:5 349:19 352:11 <b>talks</b> 217:9 313:17 <b>target</b> 100:18 252:25 <b>targeted</b> 45:6 111:9 262:5 278:11 340:15 <b>targeting</b> 340:8 <b>tasha</b> 177:10 <b>taskforce</b> 104:2,5 104:18,20 <b>tasks</b> 203:23 204:3 <b>tat</b> 228:4 <b>tax</b> 136:24 141:10 155:17	<b>taxes</b> 149:7 <b>tcm</b> 275:15 300:2 <b>teachers</b> 268:25 269:4,5 <b>team</b> 132:10 214:23 296:17 312:5 <b>tear</b> 15:12 <b>teased</b> 323:15 <b>tech</b> 42:17,17 <b>technicality</b> 354:24 <b>technically</b> 250:8 <b>telephone</b> 67:4,18 162:10 <b>tell</b> 5:22 9:18,22 26:3 46:24 53:20 53:21 55:1,12,18 57:11 62:1 64:4 68:2 118:18 119:3 155:18 176:20 179:13 220:25 226:4 254:23 266:5 290:7 303:17 304:16 316:21 335:7 336:9 346:8 <b>telling</b> 75:21 115:18 154:2 188:17,19 225:25 226:9,15 240:25 253:13 291:7 296:8 330:19 <b>tells</b> 228:18 332:10 <b>temporarily</b> 70:3 <b>tempted</b> 6:23 <b>ten</b> 153:23 206:17 282:5 348:18 <b>tendencies</b> 105:11 <b>tendonitis</b> 35:8	<b>termination</b> 111:9 <b>terms</b> 203:7 209:19 210:16 238:21 250:3,3 <b>terrible</b> 267:3 <b>terrific</b> 198:13 <b>terror</b> 262:7 <b>testified</b> 5:23 21:13 22:24 34:16 60:12 65:14 100:16 110:22 114:3 120:8,11 143:8 146:11 150:19 171:20 183:17 184:11 188:23 217:19,21 229:3 235:8 257:8 278:5 308:18 346:11 <b>testify</b> 103:11 110:20 127:14,16 191:2,4 239:17 264:20 339:21 <b>testifying</b> 105:2 117:19 118:11 204:5 215:8,20 227:1,13 239:12 258:20 259:2 295:7,11 296:1 316:2 356:5 <b>testimony</b> 27:25 77:25 78:1 85:2 104:12 150:21 163:19 172:1,5 183:4 188:8 189:9 191:1,9 210:5 215:19 264:25 302:25 305:5 313:20 322:3 332:25 359:8	<b>testing</b> 273:15 <b>texas</b> 332:5 <b>text</b> 6:23 109:17 136:10 162:16,19 301:12 <b>texts</b> 71:3 <b>thank</b> 5:16 6:16 8:23 11:17 26:6,7 26:15 27:17 40:16 58:18 71:10,17 73:9 77:19 81:13 81:13 97:15 106:2 116:9 138:21 139:16 145:15 155:16 159:11 161:18 170:22 194:8 196:11 198:24 199:24 200:25 201:16 203:22 220:13 221:6 232:18 254:13 255:9,9,14 285:21 289:16 301:16 325:4 336:15 352:1 355:7,8,9 <b>thanks</b> 39:17 321:10 <b>that'd</b> 7:16 123:1 <b>therapeutic</b> 276:21,22 <b>therapist</b> 25:17 321:15 322:1 325:9 326:6,7,25 327:6,9 351:5 <b>therapists</b> 28:12 56:21 <b>therapy</b> 15:21 16:3 28:14,14,18 321:10 322:22 326:21,24 336:20
---	--	---	---

Melissa Kaye

[therapy - time]

Page 61

336:21 337:3,8 338:3,4,7,11,14 341:12 342:7,8,9 <b>thereof</b> 128:22 <b>thing</b> 10:16 56:5 94:15 107:12 125:19 129:15 148:4 152:17 190:22,23 235:25 240:4 242:1 251:6 272:17,21 273:21 281:3 298:17 300:8 304:25 306:24 319:19 323:12 335:6 345:15 <b>things</b> 56:3 65:21 76:25 88:19 99:22 101:13 102:8 167:1,3 170:10 193:19 194:3 196:2 210:20,21 214:9 239:4 240:1 261:7 267:4 272:17 273:23 275:3,6 278:9 284:12 307:11 322:14 323:8 331:4,14 343:5,7 352:22 <b>think</b> 20:8 23:7,13 24:4 27:10 32:3,7 35:7 39:22,22 46:17 48:8,17 49:17 52:8,17 59:4 63:9 64:21 66:9 67:2,2 70:19 72:23 79:16 82:15 84:14 86:23 87:6 89:14,16,17,20 92:21 93:6,25	94:3,4,23 108:17 123:16 124:16 127:2 129:14,19 130:23 131:1 132:17 133:5,17 136:18 139:18 143:13,13,15 145:2 161:7 162:19 163:11 167:12,17 169:20 175:13,24 176:3 177:8 182:1,9 184:12 185:25 186:2,9,9 187:7 195:3 197:5 204:21 207:10 208:21,25 209:1 209:12 210:11 214:24 215:6,7 217:14 221:19 229:24 234:5,25 240:24,24 243:25 253:12 255:6 257:2 261:13 264:24 267:21,22 267:23 268:5 269:12,12 277:13 279:13 283:2 295:16,17 300:7 300:23,24 302:11 302:11 303:6,6,10 303:10 304:6 307:3,5 308:2,20 311:9 318:6,13,25 325:1 328:3 330:14 337:23,24 340:5,14 350:4 <b>thinking</b> 197:1 254:19 275:1 311:23	<b>thinks</b> 336:12 <b>thiourea</b> 273:22 <b>third</b> 85:13 251:23 327:15 <b>thirds</b> 297:23 <b>thirty</b> 122:21,23 <b>thorough</b> 98:1 312:17 313:1 314:4,14 315:24 <b>thought</b> 25:18,19 47:25 56:6 58:1 76:13 96:23 143:2 164:11 166:3,8 170:19 182:19,20 191:23 230:2 235:20,24 245:5 255:21 257:8 273:13 329:3 330:18 <b>thread</b> 108:13 220:4 <b>threaten</b> 293:18 <b>threatened</b> 99:19 99:19 102:1 279:19 <b>threatening</b> 112:1 274:8 <b>three</b> 21:12 47:4 48:11 63:2,14,16 63:16 64:13 76:8 76:15,25 77:24 78:6,12,15,20 79:1 79:2,8,16 80:1,2 81:16,17,22 83:3 83:25 93:6 122:18 122:23 176:3 187:11 190:13 201:17,24 206:3,5 206:14 212:7 213:12 214:25 219:7 241:23,25	263:2 264:25 268:9 290:8 311:10 322:13 <b>threw</b> 153:25 <b>thursday</b> 322:25 346:16 <b>thursdays</b> 56:17 212:8 <b>tie</b> 98:18 <b>tiers</b> 64:10 <b>ties</b> 328:20 <b>tight</b> 86:9 <b>till</b> 56:15 176:23 264:3 272:10 277:7 <b>time</b> 1:19 5:6 10:8 19:7 21:1 22:12 22:19 26:25 28:8 37:9,12 39:18 40:11,14,25 42:6 46:16 48:7 50:3 50:24,25 54:2 57:5 60:5,8 61:16 62:5 63:5 65:22 66:8 67:17 71:11 71:14 74:11 80:10 80:11,21 82:12 84:21 90:23,25 93:7 106:24 107:6 115:6 119:10,19 121:25 122:12,15 123:1 129:25 132:2 135:2,23 143:25 148:1,9,23 149:3,23 150:13 150:16,19 151:8,8 151:11,13 155:17 157:1 161:8,11,14 165:13,22,23 167:12,17,18 170:16 171:4
--	---	---	--

Melissa Kaye

[time - tracking]

Page 62

177:5 180:13	354:3,6,21,23	241:19 242:16	305:2 309:12,13
184:16 198:19,22	355:2,12	243:7 244:22,23	312:6,20,22,25
199:17 202:7,7,10	<b>timeframe</b> 63:2	<b>titles</b> 46:8 78:2,2,3	313:10,22 314:3
202:13,14,15,17	179:14 215:13	78:11 241:13	314:10,14 315:22
202:22 203:8	<b>timeframes</b> 215:5	<b>today</b> 6:21 9:8	315:23 316:20,22
205:2 206:1	<b>timekeeping</b> 192:5	10:8 32:6 36:6	316:25,25 317:1,3
208:13,15 209:3	281:17 284:10,13	37:17 67:21 123:4	317:3,9,10,20
210:17 211:16	284:25 285:14	160:11 161:20	327:18 334:25
212:4,5,17,19	287:11,24 290:23	194:7 278:17	<b>tone</b> 236:17,21
216:5,21 218:22	307:21 324:2	321:4,6 322:25	<b>tonight</b> 250:20
220:13 222:17,23	<b>timeline</b> 294:13	<b>today's</b> 65:16	<b>tool</b> 330:9
227:5,6 234:24	<b>timely</b> 187:20	<b>told</b> 35:4 39:9 41:6	<b>top</b> 64:13 148:16
235:1 237:5 238:3	<b>times</b> 129:7	41:11 46:23 47:22	190:13 195:1
245:13,16 247:6	132:18 191:14	48:4,9 50:17 53:8	211:17 320:4
250:6 251:20	193:19 251:17	53:9,11 55:7	352:22
259:25 261:13	269:22 309:7,14	59:14 61:9 62:4	<b>topic</b> 121:13
262:22 263:3,7,20	311:10 322:22	62:13,23 63:8,10	187:25 217:15
263:22 264:1,2	352:21	63:24 64:1,2,7	249:6 261:16
267:16,19 268:5	<b>timesheet</b> 282:7	65:6 67:23 77:2	299:15,22 340:22
268:16 269:10,19	<b>timesheets</b> 192:4,8	79:3,7,10 80:3,10	<b>topics</b> 121:14
269:24 270:22	192:9 282:4 283:8	81:19,23 83:24	<b>torres</b> 98:6 181:24
278:25 280:20	284:9 286:11	91:8 101:5 115:13	182:14,15 279:9
281:19 282:12	323:14	118:16 153:16	333:17,25 334:6
283:3,9 285:20	<b>timespan</b> 72:6	164:19 168:6	336:8
288:7,9,13,16,19	<b>tired</b> 271:24	186:5,21 188:11	<b>torture</b> 263:23
289:3,10,13	<b>tit</b> 228:3	190:5 216:7,8,21	<b>torturing</b> 271:25
290:23,24,25	<b>title</b> 25:6 45:24	218:11 219:3	272:1 305:22
292:6,12,18,22,25	49:21 54:15 64:10	221:17 223:11,14	<b>tos</b> 323:18
293:5,14,16,19	76:18 77:4 78:15	231:23,23 232:23	<b>tosyl</b> 157:15,17,20
294:9,18 295:23	79:23,25 80:3,5	233:2 234:6	157:20,21 159:7,8
296:7,10 297:22	81:21 82:14,16,17	235:23 236:6	159:9
298:2,16 299:2,2,3	82:21 83:14	237:20 238:1	<b>total</b> 126:5
300:5,14,19 301:4	110:10 111:10	242:2 247:17,20	<b>totally</b> 48:14
301:5,17,20	113:9,17 115:23	248:6 266:15,18	103:23
310:16 312:11	153:7 207:12	267:15 268:18	<b>touch</b> 328:19
313:14,17 318:4,9	208:10 218:6	272:15 277:14	329:14
318:19 320:1	220:24 226:11	280:20,22 281:19	<b>touches</b> 157:4
322:24 323:13	229:5 234:18,18	283:21 286:19	<b>track</b> 96:14 347:9
343:16 345:10	238:25 239:7,8,15	290:23,24,25	349:3
347:25 352:25	240:10,10,14,22	291:21 297:24	<b>tracking</b> 346:25
353:6,12,14,15	240:25 241:3,8,19	304:19,20,25	347:5



Melissa Kaye

[tracks - two]

Page 63

<b>tracks</b> 262:19	<b>transparency</b> 323:14	<b>trouble</b> 21:22	243:24 250:19
<b>trade</b> 33:19		25:24 39:15	251:25 266:8
<b>traditional</b> 274:20	<b>transparent</b> 172:16 235:17	340:16,17	271:16 273:23,24
275:16	331:13	<b>troublemaker</b> 280:9	279:22 289:5,7,23
<b>train</b> 96:23 170:19	<b>transparently</b> 172:9	<b>true</b> 76:16 80:9	300:25 301:1
270:5,7,10,10,11	<b>trauma</b> 35:12,14	177:25 178:7	303:10 313:19
<b>training</b> 24:25	331:13	190:10 191:22	320:6 337:23,24
209:4 213:12	<b>traumas</b> 35:19	206:22 213:2	342:8 343:11,15
<b>trains</b> 270:9	<b>travel</b> 268:8	231:11 242:9	343:21 344:15
<b>trajectory</b> 164:18	<b>treat</b> 44:24 53:4	281:25 282:3	352:15 353:1
<b>transcriber</b> 357:1	125:16 257:3	294:2,5 319:21	<b>tuesday</b> 212:8
<b>transcript</b> 4:22	<b>treated</b> 25:12	327:11 356:9	<b>turn</b> 11:14 26:10
10:23 66:11,13	26:18,19 50:16	357:5 359:8	26:11 43:17,17
171:1 356:23	52:24 55:2,24	<b>trusted</b> 345:22	165:15,19 297:10
357:3,5 359:5,8	57:11 58:6 101:24	<b>truth</b> 5:22,22,23	316:21 322:19
<b>transcriptionist</b> 356:8	230:6 236:19	<b>truthfully</b> 9:8	333:18 335:23
<b>transcripts</b> 66:1,6	<b>treating</b> 34:8	<b>try</b> 42:16,18 81:11	340:1 351:4
66:24	44:22 54:11 55:13	86:9 107:6 109:7	<b>turnaround</b> 312:11
<b>transfer</b> 86:15	55:19 274:20	109:22 121:20	<b>turned</b> 12:2 105:4
153:1 184:14,17	<b>treatment</b> 22:25	155:14 161:19	205:4 223:2 247:6
<b>transferred</b> 220:17	29:5 50:1,2 51:17	211:9 213:13	279:20 282:5
<b>transition</b> 20:7	51:17 54:11,15	214:23 215:4	297:11 327:21
41:24 112:15	55:24 56:12 57:4	264:20 265:15	328:3 329:5
119:20 161:22,24	57:7 125:1 142:23	337:22	<b>turning</b> 323:17
162:3 164:25	175:6 185:13	<b>trying</b> 18:15 81:7	<b>turnover</b> 208:13
171:22 179:4	186:17 219:8	81:8 86:21 89:14	208:18
182:22,24 183:9	256:2 273:17	89:15 94:8 96:13	<b>turns</b> 103:6 263:5
183:16,18 187:6	276:20 334:9	96:13 99:25	332:16
218:20 227:10	338:15	101:12 103:7	<b>twenty</b> 270:7
232:21 233:7	<b>treatments</b> 277:4	105:8 107:8,9,20	<b>twice</b> 88:8 276:19
237:1,1,2 246:8	300:20	167:24 169:8,16	310:16
247:2	<b>trial</b> 203:11	169:19,24 170:2	<b>twins</b> 53:21
<b>transitioned</b> 40:25	335:15	176:8 177:18	159:25
41:16 96:3 119:10	<b>tried</b> 88:12 168:4	180:11 182:9	<b>two</b> 6:25 28:19
129:19 163:23	190:11 272:6	190:16,21 193:22	63:2 66:10 70:8
219:8 232:24	330:11	193:23 194:5,6	70:11 76:8 77:24
<b>transitioning</b> 166:12 194:2	<b>tries</b> 332:11	206:20 215:19,23	78:5,12,15,19,25
	<b>triple</b> 121:2	221:10 230:2	79:7 80:1 81:16
		232:4 233:19	81:21 83:24 96:7
		235:18 240:24	108:15 109:17

Melissa Kaye

[two - unpaid]

Page 64

122:18,20,23 135:9 144:10,11 144:19 149:18 153:23 159:20 188:9 198:9 203:14 209:5 211:21 214:25 220:22 221:4,22 225:12 226:25 228:11 232:12,16 236:3 247:17 266:8 284:12 290:20 291:2 293:8 297:23 298:20,20 303:13 303:15 322:11 323:19 331:7 <b>type</b> 15:5 22:25 27:24 29:5 44:13 74:16 94:14 131:18 136:24 148:10 164:25 203:13,16 204:8 204:14 273:4 274:10 336:21 337:8 338:7,13 <b>typewriting</b> 356:7 <b>typical</b> 338:12 <b>typically</b> 175:25 233:17 <b>typing</b> 7:22 131:19 <b>typos</b> 196:3 199:12,14,16	<b>unable</b> 188:3 189:10 333:14 <b>unavailable</b> 43:24 <b>unbearable</b> 323:10 <b>unclear</b> 35:3,3,18 54:7 <b>undergoing</b> 51:16 <b>understand</b> 4:21 6:25 7:14 9:10,23 10:1,15 11:3 12:17 13:3,9 27:9 33:19 38:8 69:19 119:21 135:15 139:9 158:15 190:21 212:24 219:6 220:15 225:23 233:4,4 250:10 255:25 256:1 314:23,23 315:4,9 355:4 <b>understanding</b> 83:21 92:4 120:20 120:22 121:3 163:18 213:19 <b>understands</b> 333:4 <b>understood</b> 10:2 258:22 334:13 <b>undivided</b> 6:22 <b>uneasy</b> 91:15 <b>unemployed</b> 340:15 <b>unequivocally</b> 338:22 <b>unexpectedly</b> 327:6 <b>unfairly</b> 286:6 287:14 <b>unfavorable</b> 55:23 56:3	<b>unfavorably</b> 55:5 <b>unfit</b> 173:24 176:8 251:12 312:18,23 313:2,4 314:5,5,12 314:15,20 315:24 <b>unfortunately</b> 236:6 318:12 <b>unhappy</b> 256:20 257:14 <b>unheard</b> 298:18 335:22,24 <b>union</b> 46:13,14,16 47:23 58:22 65:1 65:5 83:11 86:22 86:24 87:2,3,8,25 88:21 89:10 91:20 92:8,12,16 94:12 94:20 115:20,20 118:4 152:25 153:6 154:5 167:15,24 168:4 186:2,8,10,11,14 186:15,25 191:21 218:2,12,15,15 226:10 229:9,10 229:11 230:2,10 230:23 231:23 234:12,17 238:15 238:20 240:8 246:22 266:14 283:15 286:20,24 287:5,6,6,13,15,17 287:22,23 288:2 288:15 289:18,25 290:5,12 291:12 291:18 296:21,22 296:23 297:1,7,15 297:17 298:6,18 304:25 305:2,3 322:23,25	<b>unionized</b> 167:22 220:23 221:16,24 222:18,20,24 223:2,10 229:5 230:24 231:22,24 232:8,10 233:2,8 234:9,14 240:9 262:9,11,16 266:21 <b>unions</b> 92:16 94:5 <b>unit</b> 49:22 50:1,2 51:14,23 53:18 56:12,18,24 83:18 84:1,6,8,13,23 90:21 91:1,6,10 92:3 93:11,13,16 93:19 185:13,13 187:8,24 188:19 208:6 <b>united</b> 1:1 25:2,5 174:18 <b>units</b> 127:25 <b>university</b> 200:18 200:19,24 <b>unknown</b> 294:23 328:15 <b>unlawful</b> 1:13 4:12 <b>unnecessarily</b> 317:24 <b>unnecessary</b> 266:13 272:5 275:24 <b>unofficial</b> 237:2 <b>unofficially</b> 76:5 85:21 <b>unpaid</b> 125:17 153:19,20 154:9,9 154:10 263:5,22 281:22 282:13 296:10
<b>u</b>			
<b>u</b> 3:20,20 49:17 90:16 <b>uh</b> 10:21,24 309:16,16 342:2 <b>ultimately</b> 266:2 <b>uma</b> 177:11			

Melissa Kaye

[unpredictable - want]

Page 65

<b>unpredictable</b> 294:20 <b>unredacted</b> 45:10 95:14 98:4,8 280:16,17 330:12 332:12 333:8,19 335:18,23 <b>unrelated</b> 224:7 224:20 228:10 <b>unsound</b> 279:18 <b>unsubstantiated</b> 245:24 <b>unsupportive</b> 95:6 <b>unusual</b> 234:21 <b>unveiled</b> 256:19 <b>unwilling</b> 340:9 <b>upend</b> 263:15 <b>upper</b> 194:25 195:2 270:6 <b>upset</b> 25:14 212:15 248:25 272:15 306:13 311:16,17 <b>upsetting</b> 332:21 <b>upside</b> 329:5 <b>usage</b> 301:25 <b>use</b> 8:9 10:13,23 36:1,4,6,24 100:16 131:18 162:11 262:24 263:22 277:1 330:8,11 332:12 347:16 352:25 <b>uses</b> 4:24 25:6 <b>ushered</b> 86:12 <b>usually</b> 210:21	<b>vacation</b> 211:15 211:18 <b>vacations</b> 211:16 <b>vacuuming</b> 265:11 <b>vague</b> 87:7 117:22 303:21 <b>value</b> 286:3 <b>van</b> 181:20,21 <b>variable</b> 128:19,24 270:8 <b>varied</b> 152:1 155:13 <b>various</b> 158:5 177:9 214:5 <b>vendetta</b> 352:20 <b>venue</b> 200:5,9 <b>veracity</b> 313:20 <b>verbal</b> 10:22 240:6 240:7 246:25 <b>verbalize</b> 309:17 325:15 <b>verbally</b> 86:17 238:2 240:1 <b>verbatim</b> 314:17 <b>verbiage</b> 184:5 <b>verify</b> 167:24 <b>veritext</b> 4:4 <b>version</b> 197:1 198:14 248:20 <b>versions</b> 197:15 198:12 <b>versus</b> 45:9 95:14 198:15 223:17 <b>vetted</b> 172:9 252:13,18,21 <b>vibrate</b> 42:15 <b>viciousness</b> 340:8 <b>videoconference</b> 1:17 2:3,13 <b>view</b> 195:1	<b>vine</b> 214:10 <b>violate</b> 336:11 <b>violated</b> 257:15 266:13 <b>violating</b> 335:14 340:18 <b>violation</b> 262:2 <b>violations</b> 204:19 204:19 216:17 253:21 330:4 331:20 <b>violent</b> 187:23 188:19 293:25 <b>virtually</b> 4:23 <b>voice</b> 25:24,25 26:14 94:5 99:25 248:12 <b>voiced</b> 187:17 257:14 <b>volpe</b> 177:5,8 <b>volume</b> 43:17 206:1 209:9,14,17 209:22 <b>voluntary</b> 124:1,9 124:21,22 125:10 <b>volunteer</b> 125:12 126:12,14 <b>vs</b> 9:4	<b>waived</b> 293:24 <b>walk</b> 270:9,10 271:3 <b>walking</b> 103:7 348:19 <b>wall</b> 103:3 190:9 <b>wangel</b> 1:10 2:12 9:3 26:23 86:13 92:18 153:11 168:5 170:5 191:20 216:25 220:8,12 222:1 229:3 230:9,12 236:9 237:25 238:4,14,20 239:20,21 247:22 262:19 272:25 282:18 283:7,16 286:17,19 287:7 287:25 290:5 297:22 298:1 303:23 304:25 347:3 <b>wangle</b> 4:10 217:20 226:7 <b>waning</b> 210:18 <b>want</b> 6:20 7:23 10:9,12 23:6 27:21 37:7 39:17 52:14,22 54:5 55:1 63:7 65:11 65:20 72:3,5 88:20 91:13,18,18 91:19 94:1 99:24 103:3 132:24 153:9 154:11 155:14 161:21 170:7,10 171:4 179:21,22 181:8 183:20 189:3 192:23 195:14,15
<b>v</b>		<b>w</b>	
<b>v</b> 1:6 73:11 157:24 158:22 177:8 358:1 359:1		<b>w</b> 138:20,25 290:18 296:24 <b>wait</b> 80:18,18,18 80:22 106:21 132:20 150:6 156:6,6,6 225:1 288:20,20,20,20 313:6 <b>waiting</b> 102:22 185:6 248:10 276:23 277:7 344:16	



Melissa Kaye

[want - witness]

Page 66

200:3,6 215:21 217:18,23 220:21 221:13 223:13 224:1 226:6,6 227:1 229:13 235:19 236:1 244:1,2 246:18,25 250:20 252:15 254:22 260:11,12 261:9 265:4 267:9 270:19,20 272:19 272:20 273:3 285:15 288:6 306:1 307:17 311:20 313:10 315:5,10,20 318:14,14 329:16 332:12 336:16 340:23 341:1,10 348:3 349:2 350:9 351:3 <b>wanted</b> 6:18 53:19 53:20,21,24 54:3 59:12 65:11 80:13 87:8 97:24 102:4 102:7,24 105:15 117:7,9 126:21 138:12 144:6 163:10,12 167:14 167:15 168:14 175:11 176:4 180:25 184:25 186:6,18 187:5 188:25 211:12 218:3,12 227:15 230:9,18,23,24 234:19 235:16 242:13,15 246:10 246:14 257:4 281:1 287:13 300:10 301:9	323:2,9 330:11 335:6,24 336:3,3 <b>wanting</b> 98:22 124:8 297:21 <b>wantingly</b> 336:13 <b>wants</b> 335:5 <b>ward</b> 102:16 <b>warm</b> 26:10 <b>warnings</b> 188:13 <b>washing</b> 276:25 <b>wasting</b> 288:19 <b>watching</b> 350:4 <b>water</b> 86:11 153:4 205:14 237:16,16 283:22 <b>wavering</b> 246:10 <b>waxing</b> 210:18 <b>way</b> 20:11 24:16 42:14 44:1 55:24 69:13 71:5 85:22 86:21 94:24 99:22 110:1 136:2,3,22 150:20 153:2 169:18,22 174:10 176:25 187:22,22 188:5 194:7,18 196:10 205:4 227:20 233:13,13 262:18 266:23 272:6 295:20 304:24 305:20 331:21 <b>ways</b> 102:4 <b>we've</b> 122:15,17 232:14,20 277:5,6 340:5 354:8 <b>wealthy</b> 332:4 <b>weapons</b> 177:14 <b>website</b> 168:8,9 309:3	<b>week</b> 56:16 123:16 128:18 129:10,11 140:7,9 151:20,21 151:24 152:2,7 154:8 212:7,7 281:15 283:6,24 352:21 <b>weekend</b> 124:18 127:10 136:8 138:18 151:22,24 152:2 <b>weekends</b> 124:8 148:25 151:19 152:6 <b>weeks</b> 214:24 282:15 283:24 323:20 <b>weird</b> 268:4 <b>weiss</b> 108:25 <b>weissman</b> 53:3,7 53:12 54:3,10,10 55:6,10,12,16 58:5 <b>weissman's</b> 54:1 <b>welcome</b> 27:18 161:17 229:17 <b>went</b> 48:9 112:24 124:15,16 126:10 127:8 132:6 135:4 154:7 158:10 163:4 187:12 191:5 203:8 206:1 212:18 240:1 249:1 252:22 254:19 279:9 282:6 286:15,16 287:5 302:8 330:23,23 336:8 <b>whip</b> 332:11 <b>who've</b> 293:24 <b>whoa</b> 164:15	<b>wide</b> 27:13,15 <b>wife</b> 317:19,23 318:1 <b>wife's</b> 90:2 <b>willing</b> 108:17 279:17 <b>wing</b> 166:22 <b>winkler</b> 59:12 81:24,25 82:1 83:9 95:10 100:5 100:15,16 101:1,4 101:5,17 102:18 103:16 104:9 108:25 114:7,9,20 119:11 162:5,8 163:13 164:4 175:9 182:8 207:5 207:11,15,15,21 211:15 212:3,12 213:8 215:3 231:17 233:10 244:4,11 248:21 253:13 316:22 333:9 335:3 <b>winkler's</b> 243:11 243:14 244:13 257:19 260:2 332:13 <b>winter</b> 300:17 <b>wiped</b> 206:17,19 <b>wire</b> 116:15 <b>wisely</b> 343:16 <b>wish</b> 283:10 <b>wishing</b> 326:16 <b>withdraw</b> 144:12 206:11 322:4 <b>withdrawn</b> 205:21 209:20 <b>witness</b> 4:17,20,21 5:18,21 7:18 11:13,17,21 12:1
--	---	--	--

Melissa Kaye

[witness - worked]

Page 67

12:11 13:15 15:3 15:7,11,17,24 16:22 17:2,14 18:15 20:6,16 21:16 22:16 24:10 26:2,6,9,15 27:10 27:15,18 29:25 30:22 32:14 34:2 37:19,24 38:10,20 40:2,6,9 41:4,10 41:22 42:8,13,16 42:22 43:3,12,18 44:2,17 47:22 50:8,21 52:17 54:20 55:15,22 57:24 58:10,16 62:4 65:5,19 66:16,20 67:6,23 68:19 69:20 70:7 70:19 71:3,9 72:5 72:14,23 73:12,23 74:1,13,22,25 75:6 75:20 76:3 77:18 78:23 80:25 81:11 83:2,13,21 84:12 85:7,15 86:8 88:5 89:8,20 90:1 91:23 92:6,14 95:5 97:2,6,15,23 99:2 101:17 102:14 103:21,23 104:19 111:13 114:17 116:7,14 116:17,23 117:2 117:20 118:13 119:2,23 120:16 121:18 122:1,4,8 125:6,25 127:1,18 134:8 135:1,17,21 137:8 138:9 139:10 140:15,19	141:15 142:19 143:12 144:3,15 144:25 145:18 146:22 148:4 149:13,21 151:6 152:1,23 156:5 157:17 161:1,6 162:15 165:15,18 166:3,16 169:4,12 171:18 173:17,23 175:24 177:8 178:10,16 179:8 179:13 180:5 181:19 183:25 185:18,25 188:9 193:2,17 194:14 194:19,23 195:8 197:5 199:23 204:4 210:9 213:8 218:11 222:10 223:20 224:19 227:2 228:19 229:24 231:15 232:17,23 235:16 236:17 238:12 239:19 241:11,25 242:13,15,25 243:4 245:8,23 246:14 250:1,14 250:21 254:13 255:4,14 256:15 259:15 260:6 264:16 265:17 276:10 280:8 284:20 285:21 287:20 291:5,15 291:21 292:9 293:10 296:4 297:14,20 301:12 301:16 303:5 308:14 309:19	318:15,24 323:4 324:21 325:17 327:14 330:2 337:15,21 338:10 339:22 340:7 342:6 345:2 346:24 348:14 349:15 354:18 355:8 356:4 <b>witnesses</b> 227:24 <b>woman</b> 14:3 44:20 177:13 323:21 327:15 <b>women</b> 49:2,5,7 49:14 70:8 177:11 <b>women's</b> 158:12 158:15 <b>wondering</b> 71:5 248:10 <b>woo</b> 255:23 <b>word</b> 29:23 172:15 172:22 191:23 <b>wording</b> 63:13 <b>words</b> 39:20 57:19 <b>work</b> 25:10,13,18 26:18 27:6 36:12 49:4 50:2,18 56:12,23 59:3 79:15 86:14 97:25 104:9 109:8,22 123:13,15 124:8 124:10,13 125:10 125:15,23 126:19 128:17 129:4 130:15 131:11 132:6 134:11,14 134:19,24 135:3,3 136:15 137:6,21 138:24 140:9 141:12 143:8,8,22 143:23 145:12,16	146:1,7,12,16,20 147:4,11 148:10 149:16,17 150:22 150:24 151:14,18 151:20,24 152:20 152:21 153:18,19 153:21 154:8,20 154:21 174:2 185:12 187:1 191:18 192:7 202:6 203:8,16,18 203:24 204:4,8,12 204:14,18 209:9 210:19 211:16 213:14,19 214:23 233:13,14 240:17 240:18 249:14 251:22 252:8 255:17 263:7,24 264:4 266:7 269:24 270:3 272:1 273:6,15 281:20,21 282:13 282:18,20 283:5 302:24 323:8 324:9,14 332:11 337:4 345:3,16,23 345:24 347:20 <b>workday</b> 264:1 <b>worked</b> 45:18 50:3 56:10,13,15 60:8 93:9 100:10 104:8 123:21 130:14 131:6 132:25 133:17 135:5 137:8 141:11 151:7,8,8,9,11 187:7 201:17,23 202:15 207:15,16 208:11,12,14,20 211:13 216:13
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Melissa Kaye

[worked - zoom]

Page 68

230:6 253:15 267:1 284:6 <b>worker</b> 23:2,3,8 25:4 29:4,6 <b>worker's</b> 23:11 <b>workers</b> 56:20 84:14 <b>workgroup</b> 102:3 102:11 103:4,10 103:12 104:3,14 104:21,22 105:13 108:17 109:14 110:7,11 112:6 <b>workgroups</b> 103:24,25 <b>working</b> 46:6 57:5 70:8 73:20 76:6 78:10 83:3,7,10,19 92:25 123:12 129:11 131:9,12 132:1,12 133:25 134:6,12 139:16 140:7,11 144:1 149:17 151:4 153:2,6,7 167:18 168:3 197:18 202:10,19 203:3 211:9,24 219:1 222:22 232:25 247:3 248:7 264:5 265:19 283:5 284:2,3,4,5,6 302:3 304:13 <b>workload</b> 211:17 <b>works</b> 121:17 189:24 <b>world</b> 153:24 <b>worry</b> 332:6 <b>worse</b> 47:13 211:25 331:5	<b>wouldn't</b> 218:13 <b>wow</b> 128:19 <b>wrangled</b> 306:3 <b>write</b> 125:2,4,6,21 169:7 221:22 342:5 344:6,9 355:5 <b>writes</b> 331:10 <b>writing</b> 64:5 112:4 137:3,14,17 139:3 141:22 176:1,2 279:23 349:19 <b>written</b> 5:4 294:21 329:19 339:1 <b>wrong</b> 103:13 198:25 236:18 268:1 272:13,14 280:3,7 282:12 283:5 <b>wrote</b> 85:19 87:11 112:10 145:10 <b>x</b> <b>x</b> 3:1,5 32:7 195:5 356:23 <b>y</b> <b>y</b> 73:11 90:16 157:17 <b>yang</b> 1:9 2:11 4:9 9:3 26:23 77:3,11 85:11,18 86:4 87:11,12 92:18,24 99:6,21 102:18 111:25 112:24 116:11 117:25 118:7,13,16 120:2 175:1 177:4 189:23,25 234:22 245:25 262:17 272:25 283:9 286:20 303:23	312:1 347:3 <b>yang's</b> 66:11 <b>yankee</b> 271:1 <b>yeah</b> 21:2 26:12 28:19,23 31:3 32:7 40:5 41:5 43:18 47:7 55:22 57:9 61:11 66:25 67:2,2 82:19 88:17,18 96:12 121:18 122:22 124:23 125:18 127:1 129:13 130:19 132:15 134:12 137:8,9 143:12,13 144:3 144:17 145:5 146:5 147:18,22 148:15 150:5 152:12 157:21 159:10 160:4,5,6,6 160:6,7 165:20 173:23 183:15,19 191:11 195:10 196:18,22,25 208:25 209:8 213:17 214:14 236:21 249:13 250:12 260:8 270:4,25 271:15 271:15,23 298:13 301:14 304:6 308:6,14 310:12 310:25 311:15 319:1 322:15 323:4 327:12 337:15,21,22 338:2,3 339:6,8 <b>year</b> 15:20 46:18 47:10 64:20,21 66:9,10 70:10,11	70:12 108:10 121:1 123:10 129:12 139:6 140:10 145:14 209:5 279:1 283:18 290:2 293:23 <b>years</b> 16:12,17 21:12 23:1 28:1 31:21 32:22 35:20 66:10 70:11 83:3 104:23,24 113:18 120:17 126:24 130:23 135:23 137:20 138:12,25 139:19,21 141:11 141:21 142:12 151:14 154:6 167:12,13 185:2 206:17 208:20,25 211:12 218:4 262:23 282:5 297:4 328:4 <b>york</b> 1:2,7 2:6,10 2:14,16,16 4:8,16 6:6 8:25 9:2,6 68:19,22 105:14 123:14 130:5 133:3 160:14 161:2 201:13 255:7 313:3,3 314:19 326:10 327:25 356:21 358:1 359:1 <b>yorkville</b> 127:2 <b>young</b> 188:15 <b>youth</b> 96:1 334:10 <b>z</b> <b>z</b> 257:2 <b>zoom</b> 4:14 107:12 107:15,19 132:8
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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